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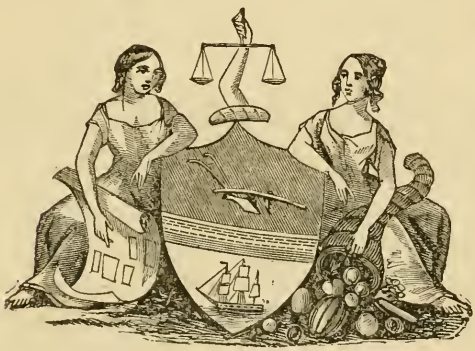

BEGINNING NOVEMBER 11, 1858, ENDING MAY 5, 1859.

## WITH AN APPENDIX.

PHILADELPHIA:
INQUIRER PRINTING OFFICE.

1859.

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# INDEX.

## A


Atkinson, W, B., claim for medical services, - - - 13
Ahern, Eugene, communication from City Controller relative to accounts of, 49
" resolution releasing sureties of, - - 68, 124
Assistance Fire Engine Company, petition for Telegraph Signal Box, 355
Appropriation, resolution to transfer Item of, - - - 12
" to Department of Police, for 1859, - 75, 267, 327, 406
" to Department of City Controller, for 1859, 33, 161, 215, 334
" to Clerks of Councils, for 1859, 33, 262, 313, 319, 380, 412, 447
" to Department of City Treasury, for 1859, 33, 161, 217, 334
" " Receiver of Taxes, for 1859, 33, 162, 218, 257, 334
" to Trustees of City Ice Boat, for 1859, - 33, 162, 217, 334
" resolution to transfer item of, - - - 126, 160
" to Department of Highways, for 1859, 116, 269, 327, 406
" " " 1856, 1857, and 1858, 667, 717, 745
" to Board of Health for 1859, - - 233, 279, 328, 406
" ordinance to make further - - 496, 532, 559
" to City Commisioners, for 1859, 292, 321, 459, 485, 559
" " " to pay Bills of 1858, 575, 639, 650
" to Inspectors of County Prison, for 1859, - 202, 276, 305
" to Department of City Property, for 1859, 76, 165, 257, 375, 458, 479, 559
" for Gas, for 1859, - - 300, 792, 795, 819, 830
" to Fire Department for 1859, and to pay claims of 1858, 360, 421, 466, 490, 581, 642, 759
" to Guardians of Poor, for 1859, 299, 335, 384, 386, 392, 399, 418, 496, 523, 559
" " " deficiency Bills for 1858, 606, 620, 706, 745
" to Girard College, for 1859, - - - 217, 533
" Law Department, for 1859, - 233, 289, 311, 327, 406
" to Department of Markets, for 1859, - 233, 289, 327, 446
" to Superintendent of Trusts, for 1859, - 206, 450, 551


13-593

Appropriation to Water Department, for 1859, - 279, 285, 412, 446
" " " bills of 1856, 1857, and 1858, 749, 759, 769
" to Will's Hospital, for 1859, - - 206, 307, 334
" to Department of Wharves and Landings, for 1859, 233, 278, 327
" ordinance to make, for purposes therein mentioned, 589, 598, 632
" resolution to transfer item of, - - 789, 801, 812
" School Department, for 1859, 217, 273, 335, 350, 360, 371, 417
" " supplement to ordinance for, - 796
American Workingmen's League, petition for Sunday travel on Passenger Railways, - - - - - 30
Alms House, resolution relative to removal of, - - 123
" resolution to investigate certain alleged frauds at, 449, 473
" communication from Steward of, relative to a special appropriation for clothing for inmates of, - - 514
" appropriation to pay expenses incurred by Special Committee on, - - - - 717
" appropriation for flour furnished in 1858 - - 782
Atlantic Telegraph Cable, communication from Joint Committee relative to, 333
" " appropriation for the celebration of the successful laying of the, 333, 349, 450, 451, 504, 559
America Fire Engine Company, petition for location of Steam Fire Engine, 375
Alumni Association, communication from, on the occasion of the Annual Address, - - - - - 417
Adams Street, ordinance to open, - - 440, 445, 532, 559
" and others, resolution to authorize paving of, 614, 616, 673, 690
Allegheny Avenue Wharf, ordinance to extend lease of, - - 553, 639
Almond Street Dock, resolution authorizing cleansing of, - 753, 799, 812

## B.

Bridge, petition for, at Richmond Street and Reading Railroad, - 5
" at Chestnut street, ordinance amendatory of ordinance to construct, - - - 16, 41, 54
" " resolution to approve plans for, - - 147
" " " to report ordinance to create loan for, 714
" resolution to erect, over Creesham Creek, - - 86, 125
" ordinance for repairing, in Twenty-third Ward, 95, 157, 584, 585, 798, 814
" at Bridesburg, resolution to invite proposals for, 548, 549, 589, 598
" petition for, over Norristown Railroad at School Lane, - 636
" at Walnut street and 43d street, petition for completion of, - 656
" across Reading Railroad at Front street, petition for removal of 658
" on Powder Mill Lane, petition for, - - - 697
" Mill Creek, ordinance to pay claim for building, - 698, 717, 744
" " " authorize completion of, 777, 800, 814
Branch Culverts, ordinance for construction of, - - - 13
Broad Street, ordinance to make Market Stands in, 17, 18, 121, 587, 622, 630, 673
" " " Remonstrance against, 139, 142
" petition for stand in, for Market Wagons, - - 535
Building, Law, communication charging violations of, - - 31
Budd Street, resolution amendatory of resolution to re-pave, &c., 36, 54
Bridge Street, resolution to finish grading of, - - 13, 47, 54
Bonds and Judgments, resolution to enter satisfaction on certain, 77, 196
Bond, resolution to enter satisfaction on certain, - - 307, 511
Beck's Philadelphia Brass Band, petition for payment for services of 110
" " motion to pay, - - - 315

Bills, resolution to pay certain, - - - - 186
Bell, Israel N., resolution to enter satisfaction on bonds of, - 307, 511
Baker, Wm. D., and others, appropriation to pay bills of, - - 551
Borough of Frankford, resolution to dispose of certain frame buildings in, - - - - 560, 617
" " ordinance supplementy to ordinance to establish Market in, - - - 612, 672, 690
Blakiston, George R., resolution to grant permit to, to lay railway track at Oak street, - - - - - 572
Boundary Lines, ordinance to change, &c., of 5th, 6th, and 7th division of Eighteenth Ward, - - - 617
" ordinance to change &c., of 7th division of Twentieth Ward, - - - - 650, 714, 818
" ordinance to change, &c., of 2nd, 5th, and 6th division of the Twenty-fourth Ward, - - 707
Boudinot Lands, communication relative to timber from, - 638
" resolution relative to timber from, - 640, 718, 745
Barry, Job R., remonstrating against removal as an Engineer of Water Works, - - - - - - 678
Brooklyn, invitation to the celebration of the introduction of water into, 692
Baltimore Railroad Company, resolution asking by what authority they have laid track on Washington Avenue, - - 671
Board of Health, resolution to construe and transfer item of appropriation to, - - - - 24, 39, 45
" estimates of, for 1859, - - - 27
" resolution to transfer an item of appropriation to, 180, 186
" appropriation to, for 1859, - 233, 279, 328, 406
" ordinance to make a further appropriation to, 496, 532, 559
" ordinance to repeal proviso in an appropriation to, 713
" appropriation to, for claims of 1856, 1857 and 1858, 789

## C.

Clerks of Councils, estimates for 1859, . . . . 10
" appropriation to, for 1859, 33, 262, 313, 319, 380, 412, 447
" ordinance to make additional appropriation to, . 169
" resolution authorizing to publish a notice to the public, . . . . 346, 532
" resolution on Printing, authorized by, . . 347, 512
" resolution authorizing to purchase printed Journals, 351
Culverts, Branch, ordinance to construct, approved, . . 13
" Cohocksink Creek, Vine, Moore, and Twenty-fifth streets, ordinance supplementary to ordinance to construct. 17. 46. 51, 54, 87
resolution to prepare contracts for, 87, 127, 172, 221
remonstrance against construction by contract, 29, 127
" petition for, on Sixteenth street, . . . 32
" petition for, on Huntington street, . . . 141
" on Girard Avenue and other streets, ordinance for construction of, . . . . . 96
" on Twentieth street, supplementary to ordinance to construct, 45, 100
" in 8th Ward, ordinance to construct, . . 145, 185, 191, 197
" " Police District, resolution to construct, . 164, 267
" petition for, on Columbia street . . . 432
" on Norris street, ordinance to construct, . . 447, 672, 690
" petition for, from Second and Susquehanna Avenue, &c., to Front street, . . . . . 524
" petition for, on Twenty-fourth street, . . . 536

Culverts, petition for, on Market street, . . . . 539
" in 19th Ward, ordinance to construct, . . 609, 639
" in Emerald street, remonstrance against . . . 636
" petition for on Broad, Prime, and Carpenter streets, . 637
Culvert Assessment, ordinance relative to, on the line of 24th street, . 670
Culverts in First Ward, ordinance authorizing construction of, 702, 760, 769
" on Thirteenth street, remonstrance against construction of 748, 807, 830
" " resolution relative to proposed, 748, 799, 807, 830
" in Eleventh street, resolution relative to delay in constructing, 776
Chestnut Street Bridge, ordinance amendatory of ordinance to construct, . . . 16, 41, 54
" Plans for approved, . . . 147
Cohocksink Creek Culvert, supplementary to ordinance to construct, 17, 46, 51, 54, 87
Coates Street Wharf, resolution to pay for repairs of, . . 18, 46, 54
Claims, Municipal, ordinance regulating, . . . . 19
" resolution instructing Committee on, to furnish report, . 91, 101
" ordinance to authorize Commissioner of Markets to pay certain, 35, 127
" appropriation to pay certain, against the City, . . 209, 661
" " for payment of, . . . 602
" " " various, . . 661, 717, 729, 745
Cooper, Wm , resolution, to release sureties of, . . . 21
Cubbler, George, " " . . 67, 307, 447, 553
City Ice Boat, appropriation to Trustees of, for 1859, 33, 162, 217, 334
" communication from Trustees of, relative to brig "Evergreen," . . . . 358
" resolution authorizing Trustees of, to employ counsel, 574
Chief Engineer and Surveyor, ordinance relative to measurements and descriptions of property by, 45, 95, 125
" " communication from, relative to proposals for culverts, . . 51
" " resolution directing to draw certain warraats, . . 704, 800, 813
Chatham Street, remonstrance against widening of, . . . 71
Contract System, resolution relative to a change in, . . 81
" resolution to authorize a transfer of, . 591, 642, 691, 718
City Burial Lot, resolution relative to appropriation for fence around, 102
Carpenters Hall, resolution relative to, . . . . 120
Croesham Creek, resolution to erect bridge over, . . 86, 125
Coal, petition for erecting public scales for weighing, . . 141
" ordinance to provide for weighing of, . 221, 556, 757, 794, 810, 831
" ordinance regulating purchase of, . . . 288
Chestnut Street Wharf, petition for purchase of improvements on, . 141
" resolution discharging Committee from further consideration of, . . 211, 508
City Warrants, resolution to appoint Special Committee to inquire into frauds of, . . . . . 178
" resolution to prepare ordinance to secure payment of, 178
" ordinance to pay interest on outstanding, . 767, 798, 812
Cope, Chas. F., bill of, for building Market Shed, . . . 179
Cannon, James, " repairs to Market Houses, . . 179
Chew Street, resolution relative to opening of, . . 338, 801, 813
Columbia Hose Company, petition for Telegraph Signal Box, . 193
Central Market Company, communication from, relative to leasing a portion of Girard Estate, . . 194
City Hospital Building, rent, repairs, &c., of, . . . 281
Court Rooms, communication relative to accommodations of, . . 332
Court of Quarter Sessions, resolution relative to accommodations of, 410

Court of Quarter Sessions, ordinance making appropriation to prepare rooms for accommodation of, . 560
Court Houses, resolution relative to, at Fifth and Brown streets, 530
Callowhill Street, remonstrance against making a Stand for Market Wagons, . . . . . 601
Cleansing Streets, resolution relative to, . . 103, 128, 157
" resolution to authorize contract for, 180, 219, 306, 407
" communication from Chief Commissioner of Highways relative to, . . . . 194
" remonstrance against by contract, . . 195
" ordinance to provide for, . . . . 410
" resolution to authorize contract for, . . 440
" resolution relative to contracts for, . . 474, 533
" resolution approving sureties of contractors for, . 585
City Commissioners, appropriation to, to pay certain claims, 75, 133, 170, 181, 196
" appropriation for 1859, . 202, 321, 459, 485, 559
" appropriation to pay deficiency bills of 1858, 575, 639, 650
" ordinance to define duties of, . . 236, 409, 449
Commissioner of Markerts, resolution authorizing, to draw certain warrants, . . . 179, 191, 196
" resolution directing to advertise for proposals for removal of Market Houses west of Broad street, 647, 650, 679
" ordinance to authorize to remove Market House from Market street, . 726
" resolution authorizing to rent certain stalls, . . . . . 774
City Controller, Department of, estimates for 1859, . . 10
" " ordinance to make appropriation to, . 181
" " appropriation to, for 1859, 33, 161, 215, 334
" communication from, in relation to overpaid fees to City Coroner, . . . . . 9, 541
" resolution instructing, not to sign certain warrants, 45, 100
" ordinance to make appropriation to, to refund overpaid taxes, . . . . 143, 181, 196
" communication from, in reference to certain bills and to abuses in Department of Poor, . . 197
resolution discharging Committee from further consideration of, . . . . . 410
" Annual Report of, . . . . . 332
" communication from, relative to bequest of Elliot Cresson, 404
" " " lighting Delaware Avenue 405
" " " improprieties in School Department, . 434
" " " public advertising, 540
" " " accounts of Commissioner of Markets, . 540
" Clerks of, ordinance to make appropriation to, . 437, 450
" Department of, appropriation to purchase fire proof, . 671
" communication in regard to appropriation to Alderman George Moore, . . . . 687
" communication from, in regard to loan for construction of certain culverts, . , . . 736
City Solicitor, certain release to be given by, . . . 23, 43
" resolution to enter satisfaction on certain bonds and judgments, . . . . 77, 196
" communication from, relative to suits against the City, 113

City Solicitor, resolution to authorize to prepare contracts for certain culverts, . . . . , 222, 253, 334
" resolution for, to specify in said contracts, . . 222
" communication from, relative to unpaid registered taxes, 516
" resolution to authorize, to enter satisfaction on a certain mortgage, . . . . 643, 799, 812
" communication from, relative to Germantown Passenger Railway, . . . . . 803
" resolution to authorize, to enter satisfaction on bonds of Wm. Lamb, . . . . 769, 806, 830
County Prison, Inspectors of, communication from, asking for iron railings, . . . . 26
" " resolution to transfer certain appropriation to, . . . 32, 91, 94, 156
" " appropriation to, for 1859, 202, 276, 305
City Treasury, Department of, appropriation to, for 1859, 33, 161, 217, 334
" " ordinance to transfer trust funds in, 204, 217, 228
" " Clerks of, compensation for extra services of, . . . 469
City Loans, resolution relative to State taxes on, . . . 294, 307
" ordinance to authorize sale of, to pay funded debt of the City, . . . . . 184, 191, 196
City Property, ordinance to authorize Committee on, to alter public buildings, . . . . . 135
" Department of, resolution to include certain bills in appropriation to, . . 68, 102
" " appropriation to, for 1859, 76, 165, 257, 375, 458, 479, 559
" " ordinance to pay out-standing bills against, . . 262, 458, 479, 559
Committee of conference upon amendments to, . . 458, 479, 528
" resolution to authorize Commissioner to offer for sale certain lot, . . . . . 817, 830
City Market Company, proposition to rent rooms in the new building of, 356
Cumming, Alex., elected Director of Sunbury and Erie Railroad Company, . . . . . 363
Conrad, James W., elected Director of North Western " " 365
Columbia Engine Company, petition for Alarm Signal Box, . 402, 786
Cresson Legacy, communication relative to, . . . 404
Copper Place, petition for changing nome of . . . 432
Conrow, W. G., resolution to release certain real estate from judgment 436, 519
Christian Street Dock, resolution to authorize cleansing of, 449, 719, 744
Catherine Street, resolution to grade, . . . 440, 532, 559
City Coroner, communication relative to over-paid fees to, . . 541
" resolution relative to fees charged by, for burials, . 633, 797
Chestnut Street and others, resolution to authorize grading of, 547, 548, 621, 673, 690
Columbia Avenue and other Streets, resolution to lay water pipes in, . 560
Citizens Passenger Railway, communication relative to cost of, . 563
City Records, communication relative to safety of . . . 542
Colwell & Co., remonstrance of, against the contract for water pipes, 656
Cohocksink Hose Company, petition for location of Steam Fire Engine, 659
Conrad, Esq. Wm., resolution relative to decease of, . . 674
Clock in Spring Garden Hall, petition for regulation of, . . 786
Cross-gutters on Washington street, resolution relative to, . 807, 830
Cadwalador and Master streets, resolution to pave at intersection of, 822, 831

## D.

Decatur Fire Engine Company, petition to locate Steam Fire Engine, 32
Delaware Avenue, resolution relative to contract for improvement of, 42, 124, 214
" communication relative to lighting of, - . 405
Deaf and Dumb, remonstrance of Directors against stand for Market wagons in Broad street, . . . . 139
Diligent Steam Engine, appropriation to, . . . 146, 182, 196
" Fire Engine Company, petition for Alarm Signal Box, . 292
" Hose Company, petition for Signal Box, . . . 653
Dallam, Thomas, claim for services in City Controller's Office, . 469
Dickinson Street and others, resolution to pave, , 548, 549, 589, 598
Douglas, Hon. Stephen A., resolution granting use of Independence Hall to, . . . . . 211, 218
Departments of Poor and Health, resolution for enactment of supplement to Act for re-organization of, . 218, 237, 303, 479, 554
Debates, resolution limiting, . . . . . 224
Dock Street, resolution relative to additional track on, . 253, 473
" " authorizing laying of sideling on, . 440, 532, 560
" Wharf, petition for repairs to, . . . . 535
Day, Michael, elected Guardian of the Poor, . . . 366
Docks, on the Delaware River, communication from Board of Health relative to condition of, . . . . 518
" at Spruce and Locust streets, Schuylkill, resolution to clean, 529
" Christian street, resolution to authorize cleansing of, 449, 719, 744
" Almond street, " " " 753, 799, 812
Douglass Avenue, petition to restore name of, . . . 522
Ditches on Broad street, petition to open, . . . 697

## E.

Elections, contested, appropriation to pay expenses of, - - 12
" " communication from City Treasurer relative to, - 764
Elk street, resolution to change name of, - - - - 20
Ellis, Edward, resolution releasing sureties of, - - 33, 92, 125
Engard, Wm., " " " " - - - 55
Empire Hook and Ladder Co., petition for Alarm Signal Box, - - 310
" " " " appropriation to repay for telegraph apparatus, - 657
Extra services, ordinance to pay certain, - - - 823, 830

## F.

Fink, Geo., petition for relief of family of, - - . 4
" ordinance to make appropriation to family of, - 205, 307, 334
Fairmount Engine Co., petition for ringing bell of, - - - 6, 245
" " " location of Steam Fire Engine, - 8
" " resolution of inquiry of Councils in regard to, 710
" " reply to, - - - - 743
" " suspension of, - - - - 742
Fairmount Hose Co., petition for Fire Alarm Signal Box, - - 695
Fellowship Engine Co., petition for location of Steam Fire Engine, - 74
" " suspension of, - - - - 743

Franklin Engine Co., resolution suspending, - - - 12
" " petition for Alarm Signal Box, - - 531
Franklin Hose Co., resolution suspending, - - - 13
" " petition for relief from suspension of, - - 29
Fire Department, communication from Chief Engineer relative to Hook and Ladder Companies, - - - 230
" Quarterly Report of Chief Engineer, - - 231
" appropriation to, - - - - 13
" ordinance to locate Steam Fire Engines, 14, 301, 482, 519
" resolution relative to an engineer corps for Steam Fire Engines, - - - - 246
" supplement to ordinance for better regulation of, - 368
" appropriation to, for 1859, and claims of 1858, 360, 421, 466, 490, 581, 642, 759
" protest of, against certain privileges to Steam Fire Engines, - - - - - 542
" communication from Chief Engineer relative to riotous Fire Companies, - - - 592
" Quarterly Statement of Chief Engineer, - - 687
" resolution authorizing Chief Engineer to draw certain warrants, - - - 782, 800, 812
" special committee on the subject of disbanding, - 809
Footways, resolution to notify owners on Haverford Street to grade, 47, 156
" petition to pave, on Main Street, in Manayunk, - - 73
" resolution to curb and pave, on Lehigh Avenue, 547, 585, 586, 719, 744
" resolution authorizing notice for curbing and paving of, on certain streets, - - - 614, 616, 673, 691
" on Linden Street, resolution to notify owners to grade, &c., - - - - - - 778, 801, 813
Funded Debt, appropriation to pay interest on, - - 184, 191, 196
" ordinance to authorize sale of City Loans to pay, 184, 191, 196
Friendship Fire Engine Co., petition for Telegraph Signal Box, - 355
Frankford Street and others, resolution to grade, - - - 480
Flomerfelt, Armstrong I., resolution to release certain property of, from judgment, - - - - - 573, 639
Freeman, Ald. James B., resolution authorizing suit to be brought against, 604
" " resolution declaring office of, vacant, - 604
" " communication from, relative to charges against, 628
Frame buildings in Frankford, resolution to dispose of certain, 560, 617
Fritz, Peter, elected Director of North Pennsylvania Railroad Co, - 242
Fire Alarm Bells, resolution relative to in 3d and 4th Fire Districts, 245, 481, 519
" " remonstrance against removal of, from 6th Ward Station House, - - - - 292
" " petition to remove, of the 4th District, - - 292
" " petition to locate, of the 4th District, - - 330
Fisher, John A., resignation of, as Guardian of the Poor, - - 297
Frankford and Southwark Railroad Co., communication from, in relation to removal of their rails from certain streets, - - 332
" " " resolution to grant permission to, to cross curb and footway at Front and Chatham Sts., - 339
" " " resolution relative to, 718, 828
Flanigen, Jos. R., elected Director of Sunbury and Erie Railroad Co., - 363
Fenby, Chas., petition for return of taxes paid in error, - - 470
Fisher Street and others, resolution to lay water pipes in, - - 528
Fairmount Park, resolution relating to, - - - 560, 630
" " resolution granting use of, to Zoological Society, 718, 732
Fire Alarm Signal Box, petition for, at 3d and Brown Streets, - 432
" " " in Franklin Engine House, - 635

Fugitive Slave Case, resolution to inquire why police were employed in, 678
" " communication from the Mayor relative to, . 692
Fire Alarm Telegraph, petition for extension of, to 2d and Reed Streets, 563
" " " adjacent to Lafayette Hose House, . 566
Fire plug, petition for, on Market Street east of Tenth, . . 599
" resolution to place, at Spring Garden and 8th Streets, . 775
Falls of Schuylkill Bridge, petition to make free, . . . 766
Fairmount Basin, resolution authorizing removal of stone on corner of, 788

## G.

Gas Lamps, petitions for, in Sansom street between Juniper and Broad streets, . . . . 5
" " on Green street between Chelton Avenue and Rittenhouse street, . . . 6
" " at Ridge Avenue and George street, . . 32
" " at corner of 4th and George streets, . . 70
" " in Clifton street, . . . . 72
" " at corner of Corinthian Avenue and Cambridge street, . . . . 73
" " on School street, . . . . 73
" " on Emery and other streets, . . 74
" " at corner of Brook and Tammany streets, . 109
" " in Margaret street between 11th and 12th streets, 141
" " in Franklin Avenue markets, . . 141
" " in School Lane, 21st Ward, . . 142
" " on Mount Vernon street west of Broad street, 356, 787
" " on Passyunk Road, from Franklin to Mifflin sts., 471
" resolution to locate, in Market street, Sec. No. 1, . . 506
" " " at corner of 3d and Reed streets, . 506
" petition for, on Race street between 19th and 20th streets, . 526
" " on Hamilton street from 20th to 21st streets, . 536
" " location of, in Frankford, . . . 567
" " in Frankford Market, . . . 602
" " at corner of Budd and Truxton streets, . 655
" " in a court near Race and 18th street, . . 655
" " Twenty-second and Granville streets, . . 723
" " on Pine street, . . . . 764
Gas Works, death of Trustee of, . . . . . 70
" Report of Committee on, relative to Sinking Fund, . 299
" " " containing inventory of certain, . 336
" ordinance to create loan for extension of, 8, 547, 576, 607, 650, 661
" Report of Special Committee in regard to ammoniacal liquor at, . . . . . 705
" resolution inquiring of Trustees the lowest price for lighting public lamps, . . . . . 755
Gas Company, resolution to request to furnish answers to certain interrogatories, . . . . 21, 91, 94
" answer of Trustees of, . . . . 144
" Southwark and Moyamensing, resolution relative to, . 13
" Trustees of, communication from, relative to lighting, &c., 332
" " Annual Report of, . . . 359
" " election of, . . . . 366
Gas Loan, resolution to publish ordinance for, . . . 34
Gas, Report of Committee relative to lighting, &c., of, . 143, 144, 411
" appropriation for 1859, . . . 300, 702, 795, 819, 830
" in Kensington and N. Liberties, petition for reduction of price of, . 522

Gas Pipes, petition for, on Reed street between 4th and 5th streets, . 70
" " on Hamilton street, . . . 109
" " on Wharton street between 6th and 7th streets, . 168
" remonstrance against removal of, from 24th street, . . 601
" petition for, in Anita street . . . . 653
" " on Girard Avenue, , . . . 659
" " extension of, on Tioga street, . . 660
" " in Maurice street, . . . . . 694
" " in William Street, . . . . 694
" " on Twenty third street, . . . 694
" " on Spring Garden street, . . . 694
" " on German street, . . . . 723
" " in Dickerson street, . . . 746
" " in Arundel street, . . . . 765
Graffen, Robert, petition for relief from injuries to property, . . 5
Graham, F., claim of, for comparing tax duplicates, . . . 75
Geisse, Geo. J., claim of, . . . . . 193
Good Will Hose Co., petition for location of Steam Engine, . 27, 310
Good Will Engine Co., resolution of inquiry of Councils in regard to. . 710
" " reply of Chief Engineer to, . . . 743
Gordon, Geo. F., reasons for voting against Sunday travel on City Passenger Railways, . . . . . 341
Grove, Conrad S., elected Trustee of Philadelphia Gas Works, . 367
Ganning, John G., petition for lease of Alleghany Avenue Wharf, . 409
Granel, Andrew M., petition for refunding of overpaid water rent, . 456
Green Lane School, appropriation for new stairway to, . . 361
German Language, appropriation for salary of Professor of, . . 372
Glennwood School House, iron railings on, . . . . 434
Germantown Hall, petition for public lamp at entrance of, . . 567
Green, (Hipples) Lane, petition for repairs to, . . . 567
Gillingham, Samuel, claim for money overpaid, . . . 658
" " and J. Hufty, ordinance to pay claims of, 808, 826
Girard Avenue, petition for market houses in, . . . 658
" resolution to raise curb around the market on, 750, 751, 801, 812
Gilbert and other streets, resolution to authorize repaving, &c., of, . . . . . 666, 668, 719, 744
Grammar School, ordinance to provide lot for erection of, in 15th Ward, 828
Guardians of Poor, resolution to interpret an appropriation to, 14, 46, 54
" " resolution transferring items of appropriation to, . . . 15, 67, 125, 197
" " ordinance to pay bills contracted by, 40, 88, 123, 157
" " appropriation to, . . 23, 126, 187, 299, 511
" " estimates for 1859, . . . 113, 298
" " communication from, relative to transfer of appropriation, . . . . . 139
" " contract with John Jones, report of Select Committee, with resolutions, . . 148, 182, 196
" " resolution transferring items of appropriation to, . . . . 181, 189, 197
" " communication from, relative to certain warrants, . 208
" " resolution transferring items of appropriation to, 216, 255
" " ordinance to make appropriation to, out of income of certain trusts, . . . 203, 217, 228
" " communication from, asking for appropriation to pay bills for 1857, . . . . 297
" " communication from, asking for appropriation to pay bills for 1858, . . . . 297
" " appropriation to, for 1859, 299, 335, 384, 386, 392, 399, 418, 496, 528, 559

Guardians of Poor, ordinance to abolish Board of, and re-establish Department of, . . . . 299
" " resolution to elect a Guardian, . . 330, 359, 365
" " communication relative to certain bills, and abuses in Department of Poor, . . 197
resolution discharging Committee from further consideration, . . . . 410
" " vacancy occasioned by resignation of Geo. Huhn, M. D., . . . . . 472
" " resolution to elect, in place of Geo. Huhn, M. D., . 539
" " appropriation to pay deficiency bills of 1858, 606, 620, 706, 745
" " communication in regard to overcharges of bills of, . 687
" " appropriation to pay bills for flour in 1858, 782, 787
Grade Regulations, resolution to establish, in First Ward, 81, 483, 745
Grades, resolution directing revision of, in Twenty-fourth Ward, 47, 639
" " " in First Ward, 572, 703, 800, 813
" ordinance directing " on Arch street, . 610, 831
" resolution authorizing " in Twenty-fourth ward, . 755
Grading of Maiden Lane, petition for. . . . . 32
" Girard Avenue, resolution relative to, . . 37, 86, 125
" Bridge street, resolution to finish, . . 13, 47, 54
" Fisher street, petition for, . . . . 71
" " resolution for, . . . . 709
" Washington Avenue, petition for . . . 74
" Norris street, petition for, . . . . 108
" Manheim street, " . . . . 331
" " resolution authorizing, . 548, 550, 589, 598
" Chew street, petitions for, . . . . 331
" Linden street, petitions for, . . . . 357
" " resolution authorizing, . . 777, 801, 813
" Washington Avenue and Catharine street, resolution authorizing, . . . . 440, 532, 559
" Thirty-ninth and Oregon streets, petition for, . . 470
" Bridgewater street in 6th Ward, " . . 482
" East Logan street, " . . 525
" Tilghman and Antoinette streets, " . . 539
" Lexington street, " . . 539
" Thirty fifth street, " . . 564
" certain streets, resolution authorizing, . 585, 586, 627, 718, 745
" Girard Avenue, and finishing bridge, petition for, . . 600
" Pratt street, petition for, . . . . 600
" certain streets in 23d Ward, resolution authorizing, 614, 673, 690
" " in 24th Ward, " 614, 615, 673, 690
" " in 24th Ward, " 614, 616, 673, 691
" Chestnut street and others, " 547, 548, 621, 673, 690
" Shippen street, resolution for, . . 548, 550, 589, 598
" Wayne street, resolution authorizing, . 548, 550, 589, 598
" Forty-ninth street, petition for, . . . . 659
" certain streets, resolution for, . . 666, 668, 719, 745
" Lentz street, resolution to authorize, . 614, 615, 672, 709, 745
" Shippen street, resolution authorizing, . 698, 699, 800, 813
" Davis and Fawn streets, . . 750, 751, 801, 813
" Hamilton street, petition for, . . . . 767
" Levering street, resolution for, . . . 532, 559
" Spring Garden street, resolution for, . . . 811
Girard College, report of Monthly Committee, . . . 19
" resolution to elect Director of, . . . 85
" appropriation to, for 1859, . . 217, 533
" 11th Annual Report of Directors of, . . . 514

Girard College, ordinance to authorize certain alterations, . . 790
Girard Estates, resolution to authorize transfer of appropriation to, . 39
" " relative to contracts and abuses of, 42, 124, 142, 528
" resolution relative to wharves, warehouses, and stores belonging to, . . . . . 213
" ordinance to make appropriation out of income of, 217, 510, 530
" communication relative to property belonging to, . 229
" receipts and expenditures in trust for, . . 335
" communication from Agent of, . . . 358
" Ordinance to provide for Attorney for, in Schuylkill and Columbia Counties, . . . . 476
" wharves belonging to, resolution relative to sale of the leases of, . . . . . 531
" resolution directing Superintendent of, to draw certain warrants, . . . . . 644
" resolution relative to purchasing additional ground for, in Brown street, . . . . 683
Girard Lands, communication in relation to, . . . 27
Girard, Stephen, resolution relative to residuary fund provided in the will of, . . . . . 41, 91
Girard Pier at Fairmount, resolution to renew lease of, . 126, 508
Girard Homestead Farm, petition to dedicate as Public Park, . . 597

## H.

Highways, Department of, remonstrance against reduction of wages in, . 108
" " appropriation to, for 1859, 116, 268, 327, 406
" " resolution to transfer items of appropriation to, . . 117, 126, 156
" " ordinance to make further appropriation to, . . 117, 126, 156
" Commissioner of, communication from relative to cleansing the City, . . . . . 194
" " resolution authorizing, to offer reward for defacing, &c., of street names, 204, 307, 335
" " resolution authorizing, to draw on Item 8 of appropriation for 1859, . 440, 482
" " resolution authorizing, to contract for cleansing the streets, . 440, 482
" " communication from, . . . 440
" " communication from, relative to paving over inlets, &c., . . . 469
" " resolution to authorize, to open streets, 547, 549, 589, 598, 770
" " ordinance to make appropriation to, for 1856, 1857, 1858, . . 667, 717, 745
" ordinance relating to the public, . . . 711
" regulations of cross sections of, . . . 807, 830
Hope Engine Co., resolution suspending, . . . . 12
Hope Hose Co., petition for Alarm Signal Box, . . . 293
" " " an appropriation to, . . . 431
" " appropriation to, . . . . 425
Hibernia Engine Co., invitation to trial of Steam Engine, . . 136
" " petition for aid to purchase horses, &c., . . 284
" " communication from Chief Engineer relative to suspension of, . . . . 595
" " resolution removing suspension of, . 670, 673, 690
Haverford street, resolution to notify owners to grade footways, 47, 156

Haverford Avenue, petition for repairs to, . . . . 530
Hoffman & Morwitz, petition for payment of claim, . . . 72
Hufty, Joseph, ordinance to pay claim of, . . . 82, 802, 826
Hopper, Edward, elected a Manager of Wills Hospital, . . 86
Hunsworth, Eaken & Co., bill for repairs to Delaware Works, . . 187
Harris, Robt. P., M. D., petition for payment of salary of, . . 293
Hamilton, Hanse, petition for release of property from lien, . . 406
" resolution authorizing release of property from lien, . 436
Hughes, Arthur, communication from City Controller relative to accounts of, . . . . . 471
Haddington School House, appropriation for repair of, . . 371
Heinisch, O. G., communication from, asking to be elected Professor of German in Central High School, . . . 545
Hirst, Wm. L., appointed Commissioner to digest Municipal Code, . 623
Henry, Alex., Mayor of the City, Annual Message, . . . 359
Hacker, Geo. W, elected Director of N. Western Railroad Co., . 365
Hedge street, petition for widening of, . . . 524, 659
" resolution authorizing widening of, . . 698, 700, 800
Harrison, Jos., communication from, on the subject of Passenger Railways, . . . . . 645
" resolution approving memorial of, . . 645, 718, 745
Hope street, remonstrance against railroad track on, . . . 748
Hettrick, Geo., claim of, . . . . . 764
Hamilton, James, petition to appoint as Clerk of Broad street Market, . 804
Hall, Thomas H., resolution of thanks to, . . . . 829
Harding, J. Barclay, " " . . . . 829
Hook and Ladder Co., petition to locate. in vicinity of 16th and South sts., 33
" " Wayne, petition for location of, . . 535
" " Protection, resolution dismissing from Fire Department, . . . . 552

## I.

Independence Hall, resolution relative to furniture of, . . 247
Interments, resolution relative to, . . . 255, 511
Iron Pipes, to be of American Iron, . . . . 285
" contracts for, to be approved by Councils, . . 287
" resolution to authorize contracts for, . . 669, 684, 702
Indian Queen Lane, resolution to grade, . . . . 644
Inlets, resolution to construct at corner of Passyunk Road and Mariots street, . . . . . 254
" petition for removing of, on Arch street, between 20th and 21st, 432
" and trenches, resolution relative to paving over, . . 456
" resolution to construct at Twelfth and Poplar streets, . . 621
" " " Master and Perth streets, . . 622
" in vicinity of Fifteenth and Arch, report of committee relative to, 610
Independence Engine Company, resolution to place Fire Alarm Box in house of, . . . . . 698

## J.

Jones, Mary, petition for removal of ashes, . . . 2
Jefferson Square, resolution to lay flagstones at gates of, . . 21
" additional gas lamps in, . . . . 258
Johnson, Wm. N., petition for refunding of certain taxes, . . 72

Jones, John, report and resolutions relative to contract for beef and mutton, . . . . . 148, 182, 196, 197
Jones, A. C., petition to place patent Fire Plug in front of Indepedence Hall, . . . . . 536
" communication from, relative to apparatus for weighing coal, 232
James, Wm., claim of, . . . . . 551
Jeans, Abel, petition for contract for grading, . . . 599
Johnson, John F., proposal of, to remove Markets from Market street, 696

## K.

Kenderdine, R. S., elected a Manager of Wills Hospital, . . 86
Kessler, John Jr., " Director of North Pennsylvania Railroad Company, . . . 242
Kensington Fire Engine Company, petition for admission into Fire Department, . . . . . 356, 546
Keystone Fire Company, petition for admission into Fire Department, . 402
Kern, Wm. H., claim of, . . . . . 431, 551
Kensington Gas Works, resolution expressing disapproval of Councils of the purchase of, by Northern Liberties Gas Company, . 546
Kelley, E., claim of, . . . . . 601

## L.

Longstreth, James, bill for lumber, . . . . 6
Lamb, Wm., communication relative to accounts of, . . 9, 11, 805
" resolution to enter satisfaction on bonds of, . 769, 806, 830
Lowber, George, and others, appropriation to, . . 35, 92, 125
Lair, John, resolution relative to bond of, . . . . 96
Leiper street, change of grade of, . . . . 13
Lafferty & McConnell, claim for paving stones, . . 140
Lighting the City with Gas, resolution relative to cost of . . 150
" " report of Special Committee on, . . 411
Locomotives, resoluion relative to speed of, . . . . 295
Levering street, resolution to grade, . . . 532, 559
Lot of Ground, resolution to authorize sale of, . . 158, 509
" " offer for sale a certain, . . 817, 830
Lithgow Street, (late Mechanics) resolution to notify property owners to grade and pave side-walks, . . 584, 666, 669, 719, 745
Lehigh Avenue, resolution to notify owners to grade and pave footways, . . 547, 585, 586, 719, 744
" " relative to curb-stones in Market spaces in, 709
Lentz street, resolution to authorize grading of, 614, 615, 672, 709, 745
Loan, temporary, ordinance for, . . . . . 12
" " to pay interest on, . . 115, 127, 157
" ordinance to create in payment of road damages, 78, 88, 665, 760
" " authorize, for erection of public school houses, 79, 661
" resolution relative to, to extend the Water Works, . 45, 104, 132
" ordinance to authorize " " 169, 482, 526, 589, 598
" for extension of Philadelphia Gas Works, 8, 547, 576, 607, 650, 661
" sale of, authorized for the construction of Cohocksink and other culverts, . . . . . 587
Lamps, petition for, on Linden street, . . . . 6
" " Broad street, . . . . 49
" " Race street, . . . . 71
" " Ridge Avenue, . . . . 109

Lamps, petition for, at Eleventh street and Washington Avenue, . 158
" " on Martin and Chestnut streets, . . . 168
" " on Morton and other streets. . . . 227
Lamps, resolution relative to, in cross streets, between Callowhill and Green streets, 15th Ward, . . . . 296
Lamps, petition for, on Germantown Avenue, . . . 402
" " in Sixteenth street and others, . . . 409
" " on Fawn street, . . . . 432
" " on Twentieth street, . . . . 432
" " on Spring Garden Street, . . . 536
" " on Hutchinson, Clinton, and other streets, . 566
" " in Chatham street, . . . . 599
" " on Chew, Penn, and Thompson streets, . . 602
" " at the corners of 21st, 22d, and Master streets, . 659
" " on Walnut, Oak, and 42d streets, . . 696
" " at the corner of Tower and Mechanic streets, . 766
" " on Wayne street, . . . . 804
Law Department, ordinance relating to, . . . . 119
" resolution transfering items of appropriation to, 160, 170, 182, 196
" appropriation to, for 1859, . 233. 289, 311, 327. 406
" supplement to ordinance establishing, . 413, 506
Law, Committee on, to supervise certain bills, . . . 325
" Library, petition for additional accommodations for, . . 563
" " Special Committee appointed " " . 564, 618
" Association, ordinance to grant room to, and appropriation for fitting up, . . . . 618, 672, 691, 744
" Department, ordinance to transfer certain powers, &c., of, to Receiver of Taxes, . . . . . 763

## M.

Markets, Eleventh street, invitation to meeting of citizens, relative to, . 3
" ordinance making Broad and other streets stands for, 17, 18, 121, 587, 622, 630, 673
" remonstrance against, . . . . 139, 142
" ordinance to enforce regulations of, . . 17, 130
" Second street, remonstrance against removing wagons from, . 28
" remonstrance against making Fourth street stand for, . 30
" petition to make Fourth street stand for, . . . 30
" petition to purchase cortain lot for location of, . . 30
" Spring Garden street, petition for additional, . . 73
" " " " . . . 107
" " " " . . . 356
" " " remonstrance against, . . 108
" petition for, in Callowhill street, . . . 195
" resolution relative to, in Market street, . 126, 176, 224, 233
" " " upon streets adjoining to Pennsylvania Hospital, . . 527, 613, 673
" remonstrance against, around Pennsylvania Hospital, . 535
" petition for, in streets adjacent to Penn Square, . . 570
" " additional, on Moyamensing Avenue, . . 535
" " erection of, on Girard Avenue, . . . 565
" South Second street, resolution to repair roof of, . . 546
" supplement to ordinance to establish in Frankford, . 612, 672, 690
" resolution relative to sale of materials contained in, 43, 55
" South Eleventh street, petition for additional, . 331, 568
" resolution relative to location of, . . . . 337

Markets, Sheds on Eleventh street, resolution for appropriation for erection of, . . . . . 602
" sheds, in Market street, appropriation for removing, . . 681
" ordinance to remove, west of Broad street, . 647, 779
" resolution to advertise for proposals for removal of, west of Broad street, . . . . . 647, 650, 679
" proposals for removing, west of Broad street, . . 725
" Shippen street, petition to make stand for market wagons, . 469
" Second street Market Place, ordinance to repeal part of ordinance relating to, . . . . . 613, 650, 661
" resolution to receive rent for stalls in, until vacated by ordinance, . . . . . 733
" supplement to ordinance relative to materials contained in, on Market street, . . . 773, 793, 799, 812
" Broad street, petition for appointment of Clerk, . . 804
Market Houses, Department of, estimates for 1859, . . 10, 168
" " ordinance to authorize Commissioner of, to pay certain claims, 35, 127, 156
" and City Property, resolution instructing Committee on, to report in relation to certain lots, . 91, 100
" Department of, resolution to transfer appropriation to, . . . . . 210, 228
" Department of, ordinance for appropriation to, for 1859, . . . 233, 289, 327, 446
Market Laws, resolution directing revision of . . . 527
Moyamensing Hose Company, Committee of Conference on resolution to expel, . . . . . 3, 44, 150, 228
Maps, ordinance to authorize contract for, . . . . 34
Map of Philadelphia, resolution returning thanks for an old, . . 12
Moore street culvert, supplement to ordinance to construct, 17, 46, 51, 54, 87
Mayor of the City, resolution authorizing to sell certain articles, 80, 92, 125
" annual message of, . . . . 359
" communication from, relative to Sunbury and Erie Railroad Company, . . . 173
" communication from, relative to contract for cleansing the City, . . . . 407
" ordinance to authorize, to purchase certain property, . . . . 701 789, 812
" resolution to request the, to return ordinance in relation to removal of Market sheds, . 787, 801
" compliance of, with the request, . . . 792
" communication from, relative to Fugitive Slave Case, . . . . . 692
Municipal Claims, ordinance regulating, . . . . 19
Municipal Code, ordinance to appoint Commissioners to digest and report, . . . 102, 336, 510, 591, 623
" petition of Commissioners for Clerk hire, . . 635
Moore, Alderman, ordinance to pay claim of, . . 82, 396
Mine Hill and Schuylkill Railroad Company, resolution releasing from certain damages, . . . . 85, 135, 495
Mulholland, Daniel, petition for refunding of over-paid taxes, . . 107
Mandamus Claims, executions and judgments, ordinance to pay claims of, . . . . . 115, 127, 157
Market street, resolution relative to stands in, . 126, 176, 224, 333
" petition for ordinance declaring a stand for market wagons, . . . . . 227
" West Philadelphia, petition for market wagons in, . 288
" remonstrance against removal of market wagons from, . 539
" ordinance to extend time for removing of market wagons from, . . . . . 555

Market street, resolution relative to "Iron Markets" on, . . 576
" petitions for extension of time for removal of wagons from, 599, 765
" " " " " 635
" ordinance to make appropriation for removing market sheds from, . . . . 681, 715, 723
" ordinance to authorize Commissioner of Markets, to remove market houses from, . . 726, 770
" petition for widening footways of, . . . 746
Morris, J P. & Co., bill for repairs, . . . . 187
Moore, Francis B., item of appropriation to, . . . 187
Mortgage, resolution to receive $11,000, on account of, . 207, 307, 334
" " enter satisfaction on a certain, . 643, 799, 812
Mitchell, George, elected Port Warden, . . . . 243
Manayunk Poor House, resolution relative to, . . . 245
M'Cloud, John, petition for damages in widening Penn street, 289, 327, 506
Mullen, W. J., Prison Agent, explanation relative to, . . 306
McMurray, A. S., M.D., claim for medical services, . . . 330
Mingle, Philip B., resolution to release estate of, from lien, . 350, 519
Mascher, John F., reasons for voting against certain ordinance, . 420
Marshall street, resolution accepting grant of certain parts of 457, 532, 559
" grant of certain parts of, . . . . 456
M'Ilwaine street, resolution to change name of, . . . 480
" petition to change name of, to Saratoga street, . 655
Marion Hose Company, communication from Chief Engineer, relative to, . . . . . 520
" petition for Fire Alarm Signal Box, . . 654
Manayunk Engine Company, petition for location of Steam Engine, . 537
Manheim street, resolution to grade, . . 548, 550, 589, 598
Moore and Norris streets, resolution to pave, . 585, 586, 719, 744
McGlinsey, Mr., remonstrance against a certain contract of, . . 693
McCollom & Potts, proposal for public hydrants, . . . 696
Mill Creek Bridge, ordinance to pay claim for building, . 698, 717, 744
" " to authorize completion of, . 777, 800, 814
Moore, D. S., petition for payment of claim, . . . 748
Mifflin & Town, and others, ordinance to pay claims of, . . 807

## N.

Northern Liberty Hose Co., petition for location of Steam Fire Engine, . 7
" Engine Co., communication from Chief Engineer relative to suspension of, . . 596
" " resolution suspending, . 752, 799, 813
" " petition relative to election of Chief Engineer, . . . 765
Neal, Robert, sureties of, approved, . . . . 12
Neal, Joseph B., ordinance to pay claim of, . . . 82
Normal School, ordinance to repair, . . . 15, 47, 95
Northern Home for Friendless Children, petition for aid, . . 72
Nomenclature of Streets, resolution in reference to, . . . 94
North Pennsylvania Railroad Co, resolution to elect Directors of, 232, 241
" " resolution authorizing temporary change of track on, . 718, 732, 799
Northern Liberties Gas Co., resolution relative to, . . . 356
" " communication from President of, . . 565
North Western Railroad Co., resolution to elect Directors of, . 359, 363
" " " " Director of, . . 538

Nicholl, James, petition for employment, . . . . 431
" ordinance for relief of, . . . 796, 798, 812
Noblitt & Bro., claim of, . . . . . 431
Nailis, P. & J., resolution to release sureties of, . . 508, 532, 558
Nolen, John, appropriation for grading East Washington Lane, . 271
Nelms, Henry, petition for return of overpaid water rents, . . 537
Norris street and others, resolution to pave, . 547, 548, 705, 799
Norris Square, resolution to improve, . . . . 708
Nineteenth street, petition for market wagons in, . . . 563
" and others, resolution to authorize paving of, 666, 667, 719, 744
Noble street, resolution to authorize paving of, . . 614, 615, 672
Nicetown Hose Co., petition for appropriation for Hook and Ladder apparatus, . . . . . 635
Niagara Hose Co., petition for Fire Alarm Signal Box, . . 694
Newsboys, petition for a system to license, . . . . 748
Northern Liberty Steam Engine, petition for permission to run in Second Fire District, . . . . . 765

## O.

O'Rourke, Patrick, resolution to release sureties of, . . . 20
O'Neil, Charles, " " " . . 23, 97
Odenheimer, John M., death of, . . . . . 70
Oram, H. C. & Co., petition for refunding of overpaid taxes, . . 109
Outstanding Bills, resolution relative to certain, . . . 247
Opperman, Jacob, petition for damages in widening Penn street, 289, 327, 508
Otis, B, resolution of thanks to, for a portrait of Wm. Bradford, . 706
Outstanding Warrants, appropriation to pay interest on, . 767, 798, 812
Ogden, Samuel, resolution to enter satisfaction on bond, . . 788

## P.

Packard, Fred. A., resignation as Director of Girard College, . . 3
Passenger Railway Company, 2d and 3d street, petition to reverse route of Spruce and Pine st. cars, . 5
" " 2d and 3d street, petition for change of route, . . . . 72
" " 2d and 3d street, remonstrance of, against removal of market wagons from 2d street, . . . 72
" " West Philadelphia, resolution authorizing, to place stand on market space west of 3d street, . . . 83
" " 2d and 3d street, resolution to authorize, to construct a branch road, . 102
" " 2d and 3d street, ordinance authorizing to construct track on Jefferson and Oxford streets, . . . 154
" " 5th and 6th street, resolution relative to, . . . 178, 347, 627
" " Frankford and Southwark, communication from, denying certain statements, . 199
" " Fairmount and Arch street, ordinance relative to, . . 716, 777
" " Frankford and Southwark, resolution relative to, . . 718, 828

Passenger Railway Company, Hestonville, Mantua and Fairmount, ordinance prohibiting the use of Wire Bridge to, . . . 791
" " Germantown, resolution relative to, . 792
" " Germantown, communication from City Solicitor relative to, . . 803
" " West Philadelphia, resolution relative to, 822, 831
" " West Philadelphia, resolution asking writ of quo-warranto against, . 827
Passenger Railways, remonstrance against on Chestnut street, . 7
" consent for the construction of tracks on Arch, 21st, and 22d streets, . . 68, 89, 151
" on Arch street, remonstrance against, . . 71
" remonstrance against double track on Callowhill street, . . . . . 74
" ordinance supplementary to ordinance to regulate, . 132, 255, 339, 411, 479, 587, 625, 673
" Frankford and Southwark, cost of constructing, . 296
" 2d and 3d street, cost of constructing, . . 296
" statement of the cost of, . . . 568
" communication from Jos. Harrison, Jr., on the subject of, . . . . . 645
" resolution approving memorial of Jos. Harrison, Jr., on the subject of, . . 645, 718, 745
" Central, consent of Councils for construction of, 646, 648
" Fairmount, statement of, . . . 688
Powell, George, petition for release as surety of Edward Ellis, 7, 33
Public Square and Parade Ground in 1st Ward, ordinance relating to, 23, 96, 750, 752
" " " " petition for improvement of, . 539, 602
Paulin, Elisha C., resignation of, as Port Warden, . . . 26
Pennsylvania Railroad Co., resolution to elect Directors of, . 68, 76
" " " relative to the terminus of, 367, 403
" " " " stock of, . . 404
Paul, J. Rodman, elected a Manager of Wills Hospital, . 86
Philadelphia Engine Co , resolution to suspend, . 118, 302, 368, 406
Philadelphia Hose Co., appropriation to, . . . . 425
" " petition for alterations to alarm apparatus, . 746
Port Wardens, Board of, communication in reference to Windmill Island, 110
" " resolution to elect member of, . 232, 241
" Geo. Mitchell elected, in place of E. C. Paulin, . 243
Police, Department of, appropriation to, for 1859, . 75, 267, 327, 406
" " resolution to transfer items of appropriation, . 12
" " " " . 80, 91, 125
" officers, ordinance to pay injured, . . . . 120
" Department of, ordinance to make appropriation to, . 133, 181, 195
" " resolution transferring items of appropriation to, . . . . 146, 182, 196
" magistrates, ordinance providing for payment of, 288, 629, 730, 798, 812
" ordinance to authorize the Mayor to appoint substitutes on, 603, 776, 814
" Reserved Corps, ordinance to pay for uniform of, 623, 756, 798, 814
Public Buildings, ordinance to authorize repairs, &c., of, . . 135
Prickett, Wm. P., claim for repairs to market houses, . . 179
Putnam street and others, resolution to notify owners on, to pave and curb, 212
Public corders of wood, petition for appointment of, . . . 292
Printing authorized by Clerks of Council, resolution relative to, 347, 512
Prosser Retreat, petition to change name of, . . . 480
" resolution to restore name of Pleasant Retreat to, . 480
Public Squares, appropriation to place lamps in, . . 258, 376

Pawnbrokers, ordinance to license and regulate, . . 255, 334
Plank roads and turnpikes, resolution relative to, . . . 339
Public Lamps, ordinance to provide for lighting, &c., of, . 116, 144, 160
" " " " " . 179, 217, 228
" appropriation for 1859, . . 300, 702, 795, 819, 830
" ordinance to organize Department for Lighting, &c., of, 640, 671
" resolution to inquire lowest price for lighting, . . 755
Passenger Railway Bills, Governor's approval of, resolution relative to, 252, 335
" " resolution requesting the Governor to withhold his signature from certain, . 611, 623, 639
Precinct House, 7th Division, 5th Ward, petitions for removing, 4, 164
" " " " locating, . 29
" 2d Division, 2d Ward, " removal of, . 107
" 3d " 1st " " " . 653
" in 10th Ward, remonstrance against removal of, . 657
" 8th Division, 19th Ward, petition for removal of, . 697
Paving of 20th and 25th streets resolution to authorize, . . 4, 44
" York street, petition for, . . . . 5
" Fisher street, " . . . . 71
" Willcox street, " . . . . 73
" Stiles and other streets, resolution for, . . 77, 127, 156
" certain streets, resolution authorizing, . . 37, 86, 125
" Pearl street, petition for, . . . . 107
" Howard street, " . . . . 227
" Stocker street, " . . . . 330
" William street, " . . . . 357
" Cambria street, " . . . . 357
" Auburn street, " . . . . 357
" Hope street, without water pipe, petition for, . . 357
" Franklin Avenue, petitions for, . . . . 432
" Mascher street, " . . . 433, 766
" " remonstrance against, . . . 537
" certain streets, resolution to authorize notice for, . 440, 532, 559
" Earp street, petition for, . . . . 470
" Clinton street, " . . . . 470
" 22d street, " . . . . 524
" " resolution to give notice for, . 548, 549, 589, 598
" Norris street, petition for, . . . . 524
" " and others, resolution authorizing, 547, 548, 705, 799, 813
" Moore street. petition for, . . . . 525
" " and Norris streets, resolution authorizing, 585, 586, 719, 744
" 19th street, petition for, . . . . 525
" " and others, resolution authorizing, 666, 667, 719, 744
" Huntington street, petition for, . . . . 537
" State street, " . . . . 539
" Noble street, " . . . . 564
" " resolution to authorize, . . 614, 615, 672
" 35th street, petition for, . . . . 564
" Wallace street, " . . . 564, 636
" Perkiomen street, " . . . . 564
" Trenton Avenue, " . . . . 566
" " and others, resolution to authorize, 698, 700, 800, 813
" Putnam street, petition for, . . . . 566
" " resolution authorizing, . 666, 667, 719, 744
" Buttonwood street, petition for, . . . . 600
" Spring Garden street, " . . . . 600
" Master street, " . . . . 601
" Adams street and others, resolution authorizing, 614, 616, 673, 690
" Haverford street, petition for, . . . . 601

Paving of Andress street, petition for, . . . . 636
" 24th street, " . . . . 636
" 7th street, " . . . . 637
" Coral street, " . . . . 637
" " resolution authorizing, . 750, 751, 801, 818
" Pemberton street, petition for, . . . . 655
" Kerr street, petition for, . . . . 657
" Prime street, resolution authorizing, . 666, 668, 719 744
" 26th street, petition for, . . . . 694
" 21st street, " . . . . 696
" 16th street, " . . . . 696
" 16th and 21st streets, resolution authorizing, 750, 751, 801, 814
" Somerset street, remonstrance against, . . . 697
" Perry street, petition for, . . . . 697
Paving and curbing of Pennsylvania Avenue, petitions for, . 746, 747
Paving of Columbia Avenue, petition for, . . . . 747
" " resolution authorizing, . . 777, 801, 813
" Seybert street, remonstrance against, . . . 766
" Lancaster Avenue, petition for, . . . . 767
" Rockland (late Garden street) petition for, . . 805
Paving at intersection of Cadwalader and Master streets, resolution for, 822, 831
Philadelphia and Camden Ferry Co., petition for reduction of wharf rent, 355
Pump and fire plug in Front street, petition for removal of, . . 481
Public Advertizing, communication relative to, . . . 540
Protection Hook and Ladder Co., resolution dismissing from Fire Department, . . . . . 552, 799, 813
Philosophical Society Building, resolution relative to purchase of, . 567
Poor, ordinance for the relief of the, . . 82, 298, 393, 396
" resolution relative to annual appropriation to, . . . 274
" what allowances to be made for support of, in 21st, 22d, and 23d Wards, . . . . . 274
" protest against a certain appropriation to the, . . . 420
Police and Fire Alarm Telegraph, petition for extension of, . . 660
" " " ordinance for further extension of, 782, 819
Pools of stagnant water on Tioga street, petition for removal of, . 697
Pennsylvania Hose Co., petition for an Alarm Signal Box, . . 766
Public hydrants, resolution relative to, . . . . 809
Parker, John H., ordinance to pay claim of, . . . 827

## Q.

Quorum, resolution relative to, . . . . . 529
" " . . . . . 774
Quigley, B., claim of, for carriage hire, . . . . 563
Quigley, James, petition to refund overpaid taxes to, . . 563
Quinn, Patrick, petition for refunding of money paid by him for water pipe, 566
Quarter Sessions, ordinance making appropriation for rooms for accommodation of, in Spring Garden Hall, . . . 560
Quarantine and Sanitary Convention, invitation to Councils, . . 660
" " resolution to appoint delegates to, 781

## R.

Ritterson, Jos. M., petition for release of sureties of, . . 6
Roxborough School House, remonstrance against contract for building, . 6
" " iron railings around, . . . 434

Richmond street, petition to cleanse, . . . . 8
Real Estate, ordinance to confirm title to certain, . . 23, 97
Rosine Association, petition for aid, . . . 73, 108
" appropriation to, . 463, 641, 717, 733, 816
Reed street wharf, resolution to repair, . . 82, 127, 156, 554
" " to pay for repairing, . . 719, 744
Receiver of Taxes, communication from, to transfer appropriation, . 158
" " resolution to change items of appropriation to, 74, 127, 156
" " " " " 169, 197
" " Department of, appropriation to, for 1859, 33, 162 218, 257, 334
" " communication from, relative to introducing gas in office of, . . . . 67
" " ordinance to define duties of, . . 409, 447
" " further supplement to ordinance defining duties of, . . . . 573, 623, 640
" " ordinance to transfer certain powers, &c., from Law Department to, . . . 763
" " ordinance relating to, . . . . 831
" " resolution authorizing, to make certain allowances to tax payers, . . . . 708
" " resolution to employ assistants to ascertain amount of taxes withheld by collectors, . . 712
Road Damages, ordinance to create loan in payment of, 78, 88, 665, 760
" resolution relative to repeal of law relating to payment of, . . . . 465, 532, 559
Roads, petition for repair to, in 2d Ward, . . . . 194
" Olney, petition for opening of, . . . . 525
" Red Lion, petition for appropriation to turnpike, . . 470
" Thorp's Mill, petition for widening of, . . . 637
Road Damages, ordinance to make an appropriation to pay, . . 710
Railway connections, resolution to remove certain, . . 190, 200, 216
" resolution relative to, . . . 336
Resolution Hose Co, petition for admission into Fire Department, . 636
" " resolutions relative to, . . 753, 800, 815
Robertson, Geo. W., claim for plumbing, . . . . 195
Roberts, Aaron, communication relative to invention of, . . 310
Riley, John M., elected Director of Sunbury and Erie Railroad Company, . . . . . 363
Reed, Robert S., elected Director of North Western Railroad Company, . . . . . 365
Reed, Robert S., resignation as Director of North Western Railroad Company, . . . . . 522
Red Lion Road, petition for appropriation to turnpike portion of, . 470
Royer, J. Washington, petition for re-payment of $26 26, . . 635
Renting Stalls in Market street, petition for extension of time for removal, . . . . . 697
Rice, Wm., claim of, . . . . . 786
Richmond Gas Company, annual report for 1858, . . . 485
Recording ordinances, appropriation for, . . . . 413
Reserved Police Corps, ordinance to pay for uniform of, 623, 756, 798, 814
Reservoir of Water, petitions for in 24th Ward, . . 433, 481, 659
Riotous Fire Companies, communication from Chief Engineer relative to, . . . . . 592
Reliance Engine Company, petition for removal of Fire Alarm Box, . 695
Registered Taxes, communication from City Solicitor relative to, . 762

## S.


Surveys, Department of, estimates for 1859, . . . 80
" resolution transferring appropriation to, . 119, 127, 156
" appropriation for 1859, . 202, 263, 266, 386
" resolution relative to, . . 448, 623. 639
" ordinance supplementary to ordinance re-organizing, . . . . . 448
" resolution to authorize to extend survey of Ridge Road, &c., . . . . 576
Surveys, Line and Grade, resolution authorizing in 21st Ward, . 703
School Department, estimates for 1859, . . . . 53
" communication from City Controller relative to improprieties in, . . . . 434
" resolution to transfer item of appropriation to, 23, 99, 128
" ordinance to make appropriation to, for fitting up Fitzwater street Secondary School, . 90, 101
" resolution to transfer items of appropriation to Controllers, . . 182, 186, 188, 191
" appropriation to, for 1859, 217, 273, 335, 350, 360, 371, 417
" further appropriation to pay bills contracted prior to 1859, . . 277, 304, 349, 546, 550
" deficiency bills of, . . . . 318
" res lution to authorize certain inquiries of Controllers, . . . . . 472
" appropriation to Board of Controllers, . 717, 729
" ordinance supplementary to ordinance for appropriation for 1859, . . . . 796
Schools, appropriation for repair of Normal, . 15, 47, 95
" ordinance to prohibit use of, for religious purposes, . . 19
" St. John Street School House, appropriation for glass partitions, 371
" ordinance to provide lot for erection of Grammer School in 15th Ward, . . . . . 828
" communication from Board of Controllers, relative to use of Spring Garden Hall for, . . . . 737
School Fund, resolution to advertise ordinance for, . . . 78
Streets, petition for opening Foulkrod street, . . . 75
" petition for cleaning Richmond street, . . . 8
" committee of conference on paving Twentieth street and others, 4, 44
" " " Twenty-fifth street and others, 4, 44
" remonstrance against widening of Chatham street, . . 71
" cleansing of, resolution relative to, . . . 103, 128, 157
" resolution to open Twenty-first street, . . 117, 126, 156
" petition to change name of a certain street, in 10th Ward, . 293
" " " Chestnut and Arch streets, in 22nd Ward, . . . . 293
" petition for opening of Chew street, . . . 331
" resolution to give notice for opening of Chew street, . 338, 801, 813
" petition for opening of Wilson street, . . . 432
" resolution to open Willow Grove Avenue, . . 440, 552, 559
" ordinance to open Adams street, in 22nd Ward, 440, 445, 532, 559
" petition to open Tioga street, . . . . 522
" petition for widening of Hedge street, . . 524, 659
" resolution authorizing widening of Hedge street, 698, 700, 800, 814
" petition to open Fifty-fifth street, . . . . 525
" remonstrance against " . . . . 659
" petition for change of grade on 42nd street, . . . 526

Streets, petition to open 20th street, . . . . 536
" resolution " " . . 585, 586, 719, 744
" petition to open Poplar street, . . . . 536
" " to re-pave St. Joseph's Avenue, . . . 599
" " for widening of Vienna streets, . . . 636
" " to change name of Wood street, . . . 194
" " " location of Forty-first street, . . 696
" " to open Columbia Avenue, . . . 697
" res lution authorizing repairing of certain, with tramway, 698, 700, 800, 814
" " " notice for opening of Reed and Wharton streets, . 699, 700, 800, 813
" resolution to revise grade on Culvert street, . . . 704
" resolution authorizing notice for opening of 33rd, 34th, and 49th streets, . . . . 750, 800, 813
" petition to change name of Dublin Avenue, . . . 766
" resolution opening Levering street, . . 809, 831
" resolution relative to reduction of width of 30th and 43rd streets, . . . . . 767
Steam Fire Engines, petition of Southwark Hose Company for location of, 4
" " Northern Liberty Hose " " 7
" " Vigilant Engine " " 7
" " Fairmonnt Engine " " 8
" " Good Will Hose " " 27
" ordinance to locate, . . 14, 301, 482, 519
" petition of Decatur Engine Company for location, 32
" " Fellowship " " " 74
" " Manayunk " " " 537
" ordinance supplementary to ordinance to locate, 605, 623, 680
" protest of Directors of Fire Department against certain privileges to, . . . 542
" petition for location of, near the intersection of York street and Frankford Road, . . 655
" petition of Cohocksink Hose Company, for location of, . . . . 659
Southwark Hose Company, petition to locate Steam Fire Engine, . 4, 29
Street, Emanuel, resolution releasing sureties of, . . 34, 92, 125
Snyder, Thos. H., appropriation to widow of. . . 35, 92, 125
Severns, Jos. & Co., petition for payment of claim. . . . 72
Spring Garden street, petition for additional Markets on, . . 73
Stiles street and others, resolution to pave, . . 77, 127, 156
Severns, And. J., claim for comparing Tax duplicates, . 75
Simons, Geo. W., petition, &c , for release from bond, . 94, 142, 196
Street Nomenclature, resolution amendatory of resolution relative to, . 94
Sergeant, J. D , petition to refund over paid taxes, . . . 109
Stocker and Tenth streets, resolution to lay Water Pipes in, . 91, 97, 127
Sheriff. petition for repairs to office of, . . . . 141
Sloan, Sam'l., claim for services at New City Hospital, . . 168
Sunbury and Erie Railroad Company, communication from President of, . . . 174
" " remonstrance against election of a certain gentleman as Director of, . . 355
" " resolution to elect Director of, . . 359, 361
Special Legislation, resolution relative to, . . . . 248
Southwark Railroad, resolution to examine grades of, . . 253
Schuylkill Hose Company, petition for Hooks and Ladders, . . 292

South Camden Ferry Company, memorial from, relative to South street wharf, and a certain claim of the City, . . . 294
Street Names, resolution to offer reward for defacing of, . . 307
State House Buildings, res luti n relative to heating apparatus of, . 458
Schuylkill Navigation Company, remonstrance of, against erection of Water Works, . . . . . 517
Shermer, Esq. Jos., announcemont of death of, . . . 428
" resolutions relativo to, . . . . 428
Spring Garden Hall, remonstrance against occupancy of, by Court of Quarter Sessions, . . . 537
" ordinance making appropriation for accommodation of Quarter Sessions in, . . 560
" remonstrance against removal of Court Houses to . 566
" petition to grant use of, to Schools in Fourteenth Section, , . . 657, 695, 737
" communication from City Solicitor relative to, . 687
" resolution to discharge Committee from further consideration of, . . . 823
Sinking Fund, annual report of Commissioners of, . . . 331
Superintendent of Police, resolution to elect, . . . 538
Schlecht, John M., petition for re-payment of certain money, . . 545
St. Peters Church, petition for payment of bell ringers of, . . 572
Steele, S. D., claim of, . . . . . 599
Second Street Market Place, ordinance to repeal part of ordinance relating to, . . . . . 613, 650. 661
Spruce Street Wharf on the Schuylkill river, petition for widening of, . 655
" " " ordinance for extension of, . . 798, 814
Shriner, Robt. F., proposition to remove Market Houses from Market street, . . . . . 658
Saurman, Yerkes, petition for repayment of over paid taxes, . . 695
Schuylkill Navy, invitation to the opening of, . . . 741
Slater Sarah, petition in relation to lot of ground, . . . 746
Schowill, W. H. claim of, for plumbing, . . . . 766
State Lunatic Hospital, claim for boarding patients in, . . 739
Small, Wm. F., resolution of thanks to, . . . . 829

## T.

Thanksgiving Day, resolution to dispense with meeting of Councils on, 24
Thomas, Jos. M., elected Director of the Pennsylvania Railroad Co. . 76
Tenth and Stocker streets, resolution to lay Water Pipes in, 91, 97, 127
Twentieth street Culvert, ordinance to construct, . . 45, 100
Typographical Cricket Club, petition for use of parade ground, . 71
Twenty-fifth street Culvert, supplement to ordinance to construct, 17, 46, 51, 54, 87
Twenty-fourth street Culvert, resolution discharging Committea on, . 81
Tobacco Warehouse, resolution relative to leasing of, . . 98, 127, 153
" resolution to ascertain rent of, . . . 729
Twenty-first street, resolution to open. . . . 117, 126, 156
Telegraph Boxes, appropriation for removal, &c., of, 300, 473, 619, 639
Turnpikes and Plank Roads, resolution relative to, . . . 339
Trotter, Edwin H., elected Trustee of Philadelphia Gas Works, . 367
Thomas, Ben. B., appropriation to, . . 449, 731, 754, 759, 770
Tioga street and others, resolution to give notice for opening of, 547, 548, 589, 598
Twenty-ninth street, " " " . . 584
Twentieth street, resolution to open, . . 585, 586, 719, 744
Tioga street, petition to remove stagnant water from, . . 697

Tarr, Henry S., and others, ordinance to pay claims of, . 704, 759, 769
Trusts, resolution transferring appropriation to Superintendent of, 14, 45, 54
" estimates for 1859, . . . . . 113
" report of Committee on, . . . . . 146
" resolution relative to certain, . . . . 169
" ordinance to make appropriation out of certain, . 203, 217, 228
" appropriation for 1859, . . . . 206, 450, 551
" communication relative to full statement of . . 358, 553
" communication from Superintendent of, relative to timber taken from Bondicot Lands, . . . . 637
Taxes, City Controller, to refund certain over-paid, . . 143, 181, 196
" ordinance to repeal ordinance to provide for collection of out-standing, . . . . . 84
" and claims, ordinance relative to sales for, . . . 306
" ordinance to levy and fix rates of, . . . . 437
" communication from City Treasurer, relative to out-standing, . 571
Tax-payers, resolution to advertise names of delinquent, . . 212
" communication from Receiver of Taxes, relative to appropriation for advertising names of delinquent, . 688
" resolution authorizing Receiver of Taxes to make certain allowances to, . . . . . 708
Tax Duplicates, to be prepared by City Controller, . . 323, 460
Trego, Chas. B., resolution of thanks to, . . . . 828

## U.

Union School and Children's Home, petition for appropriation, 2, 208
Uhler, Dr. J. K., Vaccine Physician, claim of, . . . 524
Ulmer, John D., petition for re-payment of certain money, . . 545
United Hose Company, resolutions relative to, . . 753, 800, 815

## V.

Vigilant Engine Company, petition for location of Steam Fire Engine, . 7
Vigilant Hose Company, petition for Telegraph Box . . 804
Voting, petition for re-adjustment of places for, in 18th Ward, . 6
" resolution changing place of, in 4th division of 20th Ward, 538, 584, 598
" " relative to, in 3rd division of 21st Ward, 644, 720, 744
" " to change place of, in 7th division of 5th Ward, 650, 723
" " changing place of, in 3rd division of 1st Ward. 653, 718, 744
" petition to change place of, in 10th division of 4th Ward, . 654
" resolution changing " " " 654, 718, 744
" " " " 1st division of 10th Ward, 685, 731
" resolution to discharge committee on petition for 10th Ward, . 684
" resolution changing place of, in 12th division of the 23rd Ward, 713
" " " in sixth division of 10th Ward, 756, 759, 769
Vine street Culvert, supplement to ordinance to construct, 17, 46, 51, 54, 87
Vaccine Physicians, ordinance relative to, . . . 36, 134
" election of, . . . . . 384
" annual report of, . . . . 677
Vandever, Margaret, petition for release of taxes on property, . . 168

# W.

Wire Bridge, resolution to paint and transfor an item of appropriation, . . . . . 23, 97, 127
" ordinance to prohibit Passenger Railway Companies from using, . . . . . 791
Wood, H. C., elected Director of Pennsylvania Railroad Co., . 76
Water Department, supplement to ordinance to make appropriation to, . 37
" resolution to transfer items of " " . 38
" resolution relative to loan to extend the Water Works, . . . . 45, 104, 132
" ordinance to authorize loan to extend the Water Works . . . 169, 482, 526, 589, 598
" ordinance to make appropriation to, . 157, 188
" resolution to pay certain bills, . 157, 186, 191
" resolution to transfer items of appropriation to, 157, 189
" resolution explanatory of a resolution, . 158, 509
" appropriation to, for 1859, . 279, 285, 412, 446
" resolution to authorize contracts for tallow, coal, &c., 505
" " provide for accommodations for, . 560
" resolution relative to erection of Water Works in 21st Ward, . . . . . 530
" ordinance to authorize extension of Water Works, 650, 682
" Clerks of, asking for compensation for extra services, . . . . . 660
" resolution to authorize contracts for iron pipes, &c., 669, 684, 702
" workmen of, petition for an increase of wages, . 696
" appropriation to, to pay bills of 1856, 1857, and 1858, 749, 759, 769
" resolution to transfer item of appropriation to, . 788
Water, petition for better supply in 23rd Ward, . . . 74
Water Pipes, resolution relative to petitioners for, . . 45, 54
" in Fisher street, petition for, . . . 71
" in Tenth and Stocker streets, resolution to lay, . 91, 97, 127
" in Poplar street, petitions for, . . 73, 564
" in Norris street, " . . . 108, 525
" in Hamilton street, " . . . 109, 568, 767
" in Catharine street, " . . . . 140
" ordinance to extend main on Frankford Road, . 157, 509
" in Mary street, petition for, . . . . 193
" in Pratt street, " . . . . 193
" in Howard street, " . . . . 193
" in Haverford street, " . . . 227, 601
" in Baring street, " . . . . 402
" in Eighth street, " . . . 431, 520
" in Pearl street, " . . . . 431
" in Mascher street, " . . . . 433
" in Clinton street, " . . . . 470
" in Twenty-fourth st. " . . . . 524
" in Moore street, " . . . . 525
" in Nineteenth street, " . . . . 525
" in Fisher street and others, resolution to lay, . . 528
" in Huntingdon street, petition for, . . . 537
" in Columbia Avenue and other streets, resolution to lay, . . . . . 560, 630
" in Dickinson street, petition for, . . . 599
" in Spring Garden street, petition for, . . . 600

Water Pipes, in Spring Garden and 21st streets, resolution for, . 823
" in Buttonwood street, resolution for, . . . 600
" in Twenty-fourth street, remonstrance against removal of, . . . . . 601
" in Wallace street, petition for, . . . 636
" in American street, " . . . 637
" in Christian street, " . . . 640
" " and others resolution to lay, 672, 713
" contracts for, resolution relative to, . . . 656
" in Kerr street, petition for, . . . . 657
" on 26th street, " . . . . 694
" on 21st street, " . . . . 698
" on 22nd street, " . . . . 746
" on Broad street, " . . . . 746
" on 20th street, " . . . . 765
" in Perkiomen street, resolution for, . . . 788
" on Thirteenth street, . . . . 804
Wills Hospital, resolution to elect Managers of, . . . 85
" estimates for 1859, . . . . 142
" resolution to transfer appropriation to, . 146, 182, 196
" appropriation to, for 1859, . . . 206, 307, 334
" annual report of Managers of, . . . 331
Welsh, Wm., elected Director Girard College, . . . 86
Warren Hose Company, petition for hooks and ladders, . . 292
Willow Grove Avenue, resolution relative to opening, . . 293
Wallace street, ordinance providing for sale of City rights in, 306, 346, 445, 482, 487
Washington Hook and Ladder Company, petition for admission in Fire Department, . . . . . 355
Washington Avenue and Catharine street, resolution to grade, 440, 532, 559
Webb, Edward G., and others, ordinance to pay claims of, . 396, 447
Wayne Hook and Ladder Company, petition for admission in Fire Department, . . . . . 402, 535
Wagner, Peter, claim of, . . . . 431, 551
West Philadelphia Engine Company, petition for Fire Alarm Signal Box, . . . . . 433
West Philadelphia Hose Company, communication relative to suspension of . . . 521
" " resolution suspending, . . 605
" " resolution removing suspension of, . 639
Wetzstein, Dr. G. A., petion for damages, . . . . 433
Western Hose Company, petition for District Bell, . . . 536
Wharves and Landings, Department of, estimates for 1859, . 10, 168
" " appropriation for 1859, 233, 278, 327
" resolution to pay for repairs to Coates street Wharf, . . . 18, 46, 54
" ordinance to change mode of leasing of, 67, 130, 180, 189
" resolution to repair Reed street Wharf, 82, 127, 156, 554
" " pay bills for repairing Reed street Wharf, . 719, 744
" department of, resolution to transfer an item of appropriation to, . . 179, 191, 196
" report and resolution of Committee relative to drainage at Arch street, . . 211
" ordinance to extend lease of Allegheny Avenue Wharf, . . . 553, 639
" resolution to authorize repairs of certain wharves, . . . 670, 800, 812

Wharves and Landings, resolution to make an abatement of rent, . 753
" ordinance for repairs of, and for extension of Spruce street Wharf, . . 798, 814
Wayne street, resolution to grade, . . 548, 550, 589, 598
West Philadelphia Passenger Railway Company, ordinance to authorize to lay rails over Market street bridge, &c., . . 556
Wolbert & Brother, claim of, . . . . . 551
Wagner Free Institute, protest against removal of, . . . 543
Wright & Hunter, petition for re-payment of a certain sum, . . 655
Western Market Company, proposal of, to remove Market houses west of Broad street, . . . 725
" " invitation to dedication of Market . 741
Washington Engine Company, suspension of, . . . 743
Wooden Awnings petition to construct in front of stores, . . 764

## Z.

Zoological Society, resolution granting use of Fairmount Park to, 718, 732
Zimmerman, James, resolution of thanks to, . . . 829

# JOURNAL

OF THE

# COMMON COUNCIL.

THURSDAY, November 11, 1858.

Council met.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Andress, | Messrs. | Cooley, |
| | Baird, | | Cooper, |
| | Brenan, | | Day, |
| | Bobb, | | Dennis, |
| | Bowker, | | Doerr, |
| | Brown, | | Dickinson, |
| | Bullock, | | Eckfeldt, |
| | Carson, | | Enyard, |
| | Case, | | Epler, |
| | Cattell, | | Fish, |
| | Conrad, Osborn, | | Fisher, |

Messrs. French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
Messrs. McBride,
McCahen,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Rubicam,
Server,
Shermer,
Schoch,
Simons,
Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wildey,
Wister,
Wright,
Trego, *President.*

The President

Submitted a Communication from the Trustees of the Union School and Children's Home, asking an appropriation of $2000 00 for the use of their Institution.

Which was referred to the Committee on Schools.

Also,

A Communication from Mary Jones, asking that certain refuse and ashes may be removed.

Which was referred to the Committee on Highways.

Also,

The following Communication:

The members of Common Council, are respectfully invited to attend a meeting of Citizens in favor of the extension of Eleventh Street Market south of Catharine Street, to be held at Henry's Hotel, N. E. corner Eleventh and Christian Streets, on Saturday evening, November 13, at half past seven o'clock.

By request of the Executive Committee.

JOHN H. TAGGART,
*Chairman.*

Mr. Mascher

Moved that the invitation be accepted.

Which was agreed to.

Also,

The following Communication:

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I beg leave to resign the trust you were pleased to repose in me as one of the Directors of Girard College.

Respectfully,

*Phila. Oct.* 20, 1858. FREDERICK A. PACKARD.

Which was laid on the table.

Mr. Mascher

Moved that this Council adhere in their Resolution, expelling the Moyamensing Hose Company, and that a Committee of Conference be appointed to confer with a similar Committee from Select Council, upon the Resolution expelling the Moyamensing Hose Company.

Which was agreed to.

The President

Appointed Messrs. Mascher, Hodgdon, and Bobb.

Mr. Bullock

Moved that this Council adhere to their non-concurrence in the amendments of Select Council, to their "Resolution to authorize the paving of Twentieth and other streets," and to their "Resolution, authorizing the paving of Twenty-fifth and other streets," and that a Committee of Conference be appointed thereon.

Which was agreed to.

The President

Appointed Messrs. Bullock, Luther, and Gay, on said Committee.

Mr. Brenan

Presented a Petition from the Southwark Hose Company, asking that their Hose House may be approved as a location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Wright

Presented a Petition from Peter McElroy, asking that the Seventh Precinct House of the Fifth Ward, may be removed from 227 to 277 South Fifth Street.

Also,

A Petition for the location of said Precinct House at the N. E. Corner of Fifth and Prune Streets.

Which were referred to the Committee on Law.

Mr. Heins

Presented a Petition for assistance to the family of George Fink, a police officer, who died while in the discharge of his duty.

Mr. Luther

Presented a Petition for a gas lamp in Sansom Street between Juniper and Broad Streets.

Which were referred to the Committee on Police.

Mr. Hodgdon

Presented several Petitions for a Bridge at the crossing of Richmond Street and the Reading Railroad.

Mr. Kelton

Presented a Petition of similar import.

Mr. Smedley

Presented a Petition of similar import.

Mr. Harmer

Presented a Petition of similar import.

Which were referred to the Committee on Surveys.

Mr. Kelton

Presented a Communication from the Second and Third Street Passenger Railway Company, asking that the Spruce and Pine Street Passenger Railway Company shall be compelled to reverse the route of their cars.

Which was referred to the Committee on Railroads.

Mr. Bullock

Presented a Petition for the paving of York Street, from Gunner's Run to the Delaware Front.

Also,

A Petition for relief from injuries to a certain property from Robert Graffen.

Which were referred to the Committee on Highways.

Also,

A Petition for the ringing of the Fairmount Engine bell in cases of fire.

Mr. Dickinson

Presented a Petition for lamps on Linden Street, between Front Street and Frankford Road.

Which were referred to the Committee on Police.

Mr. Wildey

Presented a Petition from Jos. M. Ritterson, late Supervisor of the Eighteenth Ward, asking the release of his sureties.

Which was referred to the Committee on Finance.

Also,

A Petition for the re-adjustment of the places of voting in the Eighteenth Ward.

Which was referred to the Committee on Law.

Mr. Jones

Presented a Remonstrance from W. H. McNamee, against a certain contract for building the Roxborough School House.

Which was referred to the Committee on Schools.

Mr. Harmer

Presented a Petition for a gas lamp on Green Street, between Chelton Avenue and Rittenhouse Street.

Which was referred to the Committee on Police.

Also,

A Bill of James Longstreth for lumber, amounting to $20 98.

Which was referred to the Committee on Claims.

Mr. Smedley

Presented a Petition for the opening of Foulkrod Street, in the Twenty-third Ward.

Which was referred to the Committee on Surveys.

Mr. Riley

Presented a Remonstrance against the construction of a Passenger Railway in Chestnut Street, in the Twenty-fourth Ward.

Which was referred to the Committee on Railroads.

Mr. Mascher

Presented a Petition from the Northern Liberty Hose Company, asking that their house may be approved as a location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Day

Presented a Petition from George Powell, asking to be released as surety of Edward Ellis, late Messenger in the Highway Department.

Which was referred to the Committee on Finance.

Mr. Cooper

Presented a Petition from the Vigilant Engine Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Pugh

Presented a Petition from the Fairmount Engine Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Brown

Presented a Petition for the cleansing of Richmond Street, in the Eighteenth Ward.

Which was referred to the Committee on Highways.

Mr. Wister,

On leave, moved that at 5 o'clock, P. M., this afternoon, Council proceed to the consideration of Bills from Select Council now on second reading.

Which was not agreed to.

Mr. Wister,

From the Committee on Gas, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to create a loan for the further extension of the Philadelphia Gas Works."

Together with a Resolution, directing the Clerk to publish the same, in conformity with law. (*See Appendix No.* 1.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

And on its passage, the yeas and nays were demanded by Messrs. Manuel and Dickinson.

And were as follows:

YEAS.—Messrs. Brenan, Bobb, Bowker, Case, Cooley, Day, Fish, Fisher, French, Gheen, Handy, Harbert, Harmer, Heins, Jones, Kelley, Kerr, Kersey, Krider, Manderfield, Manuel, Mascher, Megary, Miller Geo. B., Moyer, Riley, Rubicam, Simons, Thompson, Walsh, Wister, Trego, *President.*

NAYS.—Messrs. Andress, Baird, Brown, Bullock, Carson, Cooper, Dennis, Doerr, Dickinson, Eckfeldt, Epler, Gamble, Gay, Gillingham, Gordon, Haas, Hodgdon, Holmes, Hutchinson, Kelton, Ketcham, Luther, McBride, McCahen, McClean, Miller Hiram, Nippes, Potter, Pugh, Server, Shermer, Schoch, Smedley, Uber, Wagner, Wildey.

Yeas, 32. Nays, 36.

So the Resolution was not agreed to.

The President

Submitted a Communication from the City Controller, in relation to overpaid fees to the City Coroner. (*See Appendix No.* 2.)

Which was referred to the Committee on Law.

Also,

A further Communication from the City Controller, in relation to the accounts of William Lamb, late Commissioner of Markets. (*See Appendix No.* 3.)

Mr. Baird

Moved that so much of the Communication as relates to the Market Department, be referred to the Committee on

Markets, and so much as relates to the Department of Wharves and Landings, be referred to the Committee on Wharves and Landings.

Which was agreed to.

The President

Submitted the following Communications:

CONTROLLER'S OFFICE,
*Philadelphia, Nov.* 11, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN;—I herewith transmit the estimates of the expenditures for the year 1859, for the following Departments:

| | |
|---|---|
| Clerks of Councils, | $32,720 00 |
| Market Houses, | 10,883 70 |
| Wharves and Landings, | 4,929 17 |

The following Departments have not yet sent in to this Department the estimates required by law: Department of Controllers of Public Schools, Fire Department, Board of Health, and Guardians of Poor.

Yours, very respectfully,

GEORGE W. HUFTY,

*Controller.*

Since the above was written, I have received the estimates of the Fire Department—$50,041—which is herewith transmitted.

CITY CONTROLLER'S OFFICE,
*Philadelphia, November* 11, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN: — The books of the Department of Wharves and Landings have been audited by this Department. There has been collected by William Lamb, late Commissioner of Wharves and Landings, per his books, the sum of forty-three thousand six hundred and twenty-one dollars and seventy-five cents— $43,621 75

He has paid into the City Treasury, for the period of time embraced by his collections, the sum of forty thousand one hundred and eighty-three dollars and seventy-five cents— $40,183 75

Leaving a balance due by him from this Department, of thirty-four hundred and thirty-eight dollars— $3,438 00

There has as yet been no opportunity to audit the books of the Market Department, there being no books placed in my hands upon which such an audit could be based. I am under the impression that some immediate action should be had by your body, directing the City Solicitor to proceed against the securities of the said William Lamb for this amount, due on account of Wharves and Landings; for, though prompt measures are being taken to find what, if anything, is due from him on account of Markets, some considerable time must elapse before this account can be prepared by this Department.

I herewith transmit a statement of the amounts due and uncollected on October 1, 1858, in the Department of Wharves and Landings, amounting in the aggregate to

eighteen thousand nine hundred and ninety-two dollars and twenty-five cents.

Very respectfully yours,

GEORGE W. HUFTY,

*Controller.*

Which were referred to the Committee on Wharves and Landings.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, November* 11, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz;

On the 6th inst., An Ordinance to make an appropriation to pay the expenses of Contested Election Cases.

On the 6th inst., An Ordinance to authorize a Temporary Loan.

On the 5th inst., A Resolution to transfer an item of appropriation.

On the 8th inst., A Resolution transferring certain items of appropriation to the Department of Police.

On the 8th inst., A Resolution approving the sureties of Robert Neal.

On the 8th inst., A Resolution returning thanks for an Old Map of Philadelphia.

On the 8th inst., A Resolution suspending the Hope and Franklin Engine Companies.

On the 8th inst., A Resolution directing a change in

the grade regulations on Leiper Street, in the Twenty-third Ward.

On the 9th inst., A Resolution relative to the Southwark and Moyamensing Gas Company.

On the 11th inst., A Resolution suspending the Franklin Hose.

On the 11th inst., An Ordinance to provide for the construction of branch culverts or drains.

On the 11th inst., An Ordinance making an appropriation to the Companies composing the Fire Department.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Bullock,

From the Committee on Highways, presented a Report, with a Resolution annexed, entitled, "Resolution authorizing the Highway Department to finish grading Bridge Street, Twenty-fourth Ward. (*See Appendix, No.* 4.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Jones,

From the Committee on Police, returned a Bill of W. B. Atkinson, for medical services, and asked that it be referred to the Committee on Claims.

Which was agreed to.

Mr. Moyer,

From the Committee on Trusts and Fire Department, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to locate the Steam Fire Engines." (*See Appendix, No.* 5.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The First Section was read.

Mr. Mascher

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Mr. Moyer

Presented a further Report from the same Committee, with a Resolution annexed, entitled, "Resolution transferring certain items of appropriation to the Superintendent of Trusts." (*See Appendix, No.* 6.)

And moved to proceed to the second reading of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon,

From the Committee on Poor, submitted a Report, with two Resolutions annexed, entitled, severally:

"Resolution to interpret an Ordinance making appropriations to the Guardians of the Poor, approved October 27, 1858."

"Resolution transferring certain items of appropriation to the Guardians of the Poor." (*See Appendix, No.* 7.)

And moved to proceed to the second reading of the First Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading of the Second Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon

From the Committee on Schools of this Council, to whom was referred a Bill from Select Council, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania, for the purpose of making repairs to the Normal School building," presented a report with the Bill, together with amendments. (*See Appendix No.* 8.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr. Hutchinson,

From the Committee on Surveys, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

amendatory of the Sixth and Seventh Sections, of an Ordinance for the construction of a Bridge across the Schulkill at Chestnut Street."

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Hutchinson,

From the same Committee, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

supplementary to an Ordinance, entitled, 'An Ordinance to authorize the construction of the Cohocksink Creek, Vine Street, Moore Street, and the Twenty-fifth Street Culverts,'" approved February 27, 1858. (*See Appendix No.* 9.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Fish,

From the Committee on Markets, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

declaring Broad Street and other streets, stands for Market wagons," together with a Bill, entitled,

"AN ORDINANCE

to enforce obedience to the Market regulations." (*See Appendix No.* 10.)

And moved to proceed to the second reading and consideration of the first Bill.

Which was agreed to.

The First Section was read a second time.

Mr. Wagner

Moved to amend by adding after the words "Christian Street," the words "and the market spaces on Girard Avenue, from the east side of Broad Street, to the west side of Frankford Road."

Which was agreed to.

Mr. Kelley

Moved to amend by adding after the words "Frankford Road," the words "and Moyamensing Avenue, from Christian to Prime Street."

Which was agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Fourth Section having been read,

Mr. Mascher

Moved to postpone the further consideration of the Bill for the present.

Mr. Dennis

Moved to amend by adding, "and that it be made the special order of business, for the next stated meeting of Council."

Which was agreed to.

Mr. Brown

From the Committee on Wharves and Landings, presented a Report with a Resolution annexed, entitled, "Resolution to pay certain Bills for repairing Coates Street Wharf. (*See Appendix, No.* 11.)

The Resolution was read twice and adopted.

Mr. Gordon,

From the Monthly Visiting Committee of Girard College, presented a Report. (*See Appendix, No.* 14.)

Mr. Steelling

Moved that the printing of the report in the Appendix, be dispensed with.

Which was not agreed to.

Mr. Megary

Read in his place, and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

regulating municipal claims." (*See Appendix, No.* 12.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Wister

Moved to refer the Bill to the Committee on Law.

Which was agreed to.

Mr. Megary

Read in his place, and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

prohibiting the use of the public schools for religious purposes." (*See Appendix, No.* 13.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

Mr. Bullock

Moved to refer the Bill to the Committee on Schools.

Which was agreed to.

Mr. Dickinson

Offered the following

## Resolution:

To change the name of Elk Street, in the Sixteenth Ward.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the name of "Elk" Street, running from Canal to Otter Streets, in the Sixteenth Ward be, and the same is hereby changed to Hope Street.

And moved that it be referred to the Committee on Surveys.

Which was not agreed to.

Mr. Kelley

Moved to refer the Resolution to the Committee on Highways.

Which was agreed to.

Mr. Walsh

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be, and he is hereby authorized to release the sureties of Patrick O'Rorke, late Supervisor of the Nineteenth Ward. *Provided*, That his accounts are correct with the Highway Department.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Smedley

Moved to amend by inserting after the words "Nineteenth Ward," the words "and William Cooper, late Supervisor of the Twenty-third Ward."

Which was agreed to.

Mr. Potter

Moved to refer the Resolution to the Committee on Highways.

Which was agreed to.

Mr. Manderfield

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Chief Commissioner of Highways be, and he is hereby instructed to have flag stones laid at the crossings of the streets, opposite each centre gate of Jefferson Square.

Which was referred to the Committee on Highways.

Mr. Pugh

Ooffered the following

## Resolution:

*Resolved*, That the Trustees of the Philadelphia Gas Works be requested to furnish Common Council, at their

next stated meeting, with answers to the following Interrogatories, viz:

1st. What are the several sizes, the length, and the costs of each size [including all labour and materials] of the Gas Main, laid along the north side of Master Street, from the west side of Broad Street to the east side of Front Street; thence along the east side of Front Street to Norris Street; thence along the southerly side of Norris Street to the Frankford Road?

2nd. Out of what fund was the said Main paid or to be paid for; and if out of any other than the contingent fund, by what authority was the fund raised; and if out of the contingent fund, how long has the same been accumulating?

3rd. How long since Street Mains, and service pipes, and meters have been laid, and Gas introduced at your usual rate of charge?

4th. Was not the fund out of which the Master Street Main was laid, just as applicable for introductions of service pipes and meters, as for the purpose it was used?

5th. How could the Trust report the fund for introductions exhausted, when there were sufficient funds on hand to lay the aforesaid main?

6th. What has been the amount of the accumulation of contingent fund, since the time introductions of Gas have been made at the usual rate of charge; and for what has the amount of the same been expended?

7th. What amount of money has been received or is due to citizens, for the laying of pipes, and the introduction of service pipes and meters?

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Kelley

Moved to strike out the words "at their next stated meeting."

Which was not agreed to.

Mr. Cooley

Moved to insert after the word "Resolved," the words "By the Select and Common Councils of the City of Philadelphia."

Which was agreed to.

Select Council informed Common Council, that they have received a Report from the Committee on City Property, with a Bill, entitled, "An Ordinance to confirm the title to certain real estate in the City of Philadelphia."

Also, that they have received a Report from the Committee on Poor of Select Council, with a Bill, entitled, "An Ordinance to make an appropriation to the Guardians of the Poor, for the purposes therein mentioned."

Also, that they have received a Report from the Committee on City Property with the Bill, entitled, "An Ordinance relating to the Public Square and Parade Ground in the First Ward, of the City of Philadelphia."

Also, that they have received a Report from the Committee on City Property, with Resolutions, entitled, "Resolutions to transfer an item of appropriation, and to authorize the painting of the Wire Bridge."

Also, that they have received a Report from the Committee on Schools, with a Resolution, entitled, "Resolution to transfer an item of appropriation to the Board of Controllers of Public Schools."

Also, that they have passed a Resolution, entitled, "A Resolution to release the sureties of Charles O'Neil."

Also, that they have passed a Bill, entitled, "An Ordinance to authorize a certain release to be given by the City Solicitor."

Also, that they have passed a Resolution, entitled, "Resolution to construe an appropriation, and to transfer certain items of appropriations made to the Board of Health," in all of which they ask concurrence.

Also, that they have passed the following Resolution dispensing with the next stated meeting of Councils:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the stated meeting on Thursday next, the 18th inst, [Thanksgiving Day] be disgensed with, and that when Councils adjourn, they adjourn to meet on Friday, the 19th inst., at the usual hour.

Mr. Wister

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

Mr. Dickinson

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## FRIDAY, November 19, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Bullock,
Case,
Cattell,
Comley,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Ellis,
Epler,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,

Messrs. Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McCahen,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,

Messrs. Moyer,
Nippes,
Potter,
Pugh,
Riley,
Rubicam,
Savage,
Server,
Shermer,
Schoch,
Simons,
Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President.*

The President

Submitted the following Communication:

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I, being a member of the Board of Port Wardens, most respectfully tender this as my resignation, from the above position.

Respectfully, &c.,

*Nov.* 19, 1858. ELISHA C. PAULING.

Also,

The following Communication:

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—At a meeting of the Board of Inspectors of the Philadelphia County Prison, held November 8, 1858, the following resolution was unanimously adopted:

*Resolved*, That the Board petition Councils to grant them an appropriation, not exceeding three thousand dollars, to be used for the purchase of a suitable iron railing, to be placed in front of the County Prison, and that the

President of the Board be hereby authorized to furnish Councils with a copy of the above resolution.

Respectfully your obedient servant,

H. T. BIDDLE,

*Nov.* 17, 1858. *President, Board of Inspectors.*

Which was referred to the Committee on Prisons.

Also,

A Petition from the Good Will Hose Company, asking Councils to approve of their house as a suitable location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Also,

A Communication from R. Wohlfart, in relation to the Girard lands.

Which was referred to Committee on Girard Estates.

Also,

The following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, November* 19, 1858.

*To the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—I herewith transmit to you the estimate of expenditures and receipts of Board of Health, for the year 1859.

| | | |
|---|---|---|
| Expenditures estimated, | | $34,275 |
| Receipts | " | 13,675 |

Yours, very respectfully,

GEORGE W. HUFTY,

*Controller.*

Which was referred to the Committee on Finance.

Mr. Krider

Presented a Remonstrance against the removal of the market wagons from Second Street.

Mr. G. B. Miller

Presented a Petition of similar import.

Mr. Day

Presented a Petition of similar import.

Mr. Mingle

Presented a Petition of similar import.

Mr. Mascher

Presented a Petition of similar import.

Mr. Kerr

Presented a Petition of similar import.

Mr. Epler

Presented a Petition of similar import.

Mr. Steelling

Presented a Petition of similar import.

Mr. Potter

Presented a Petition of similar import.

Mr. Dickinson

Presented a Petition of similar import.

Mr. Gillingham

Presented a Petition of similar import.

Mr. Wildey

Presented a Petition of similar import.

Mr. Manuel

Presented a Petition of similar import.

Mr. Handy

Presented a Petition of similar import.

Which were referred to the Committee on Markets.

Also,

A Communication from the Franklin Hose Company, asking to be relieved from the suspension by the Chief Engineer.

Mr. Brenan

Presented a Petition from the Southwark Hose Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Mr. G. B. Miller

Presented a Petition of similar import.

Mr. Kelley

Presented a Petition of similar import.

Which were referred to the Committee on Trusts and Fire Department.

Mr. Wright

Presented a Petition for the location of the Seventh Division House, in the Fifth Ward, in Fifth Street above Prune.

Which was referred to the Committee on Law.

Mr. Heins

Presented a Remonstrance against the construction of certain Culverts, under the Contract system.

Mr. Gordon

Presented one of similar import.

Mr. Hutchinson

Presented one of similar import.

Mr. Potter

Presented one of similar import.

Mr. Dickinson

Presented one of similar import.

Mr. Fisher

Presented one of similar import.

Which were referred to the Committee on Surveys.

Mr. Steelling

Presented a Remonstrance against making Fourth Street a stand for Market Wagons.

Also,

A Petition asking that said street may be made a stand for Market Wagons.

Mr. Hacker

Presented a Petition asking that a lot between Fifth and Sixth and Pine and South Streets, may be purchased as a location for a Market House.

Which were referred to the Committee on Markets.

Mr. H. Miller

Presented a Remonstrance against the price and location of a certain proposed Culvert on Twenty-fourth Street.

Which was referred to the Committee on Surveys.

Mr. Gillingham

Presented a Remonstrance from the "American Workingmen's League," against an Ordinance prohibiting the Passenger Railway Companies from running their cars on Sundays.

Mr. Gordon

Moved that the Communication be referred to a special Committee of three.

Mr. Gillingham

Moved to amend by substituting the Committee on Railroads.

On this motion the yeas and nays were demanded by Messrs. Wright and Wildey.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bowker, Brown, Bullock, Comley, Conrad, Osborn, Conrad, William, Cooley, Day, Dickinson, Ellis, Epler, Gamble, Gheen, Gillingham, Harmer, Holmes, Hutchinson, Kelley, Kerr, Kersey, Manderfield, Mascher, McBride, Megary, Miller Geo. B., Morris, Pugh, Server, Schoch, Smedley, Steelling, Thompson, Walsh, Wetherill, Wildey, Wister, Wright, Trego, *President.*

NAYS.—Messrs. Case, Cattell, Cooper, Fish, Fisher, French, Gay, Gordon, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Jones, Kelton, Ketcham, Krider, Luther, Manuel, Moyer, Nippes, Potter, Riley, Rubicam, Savage, Simons, Uber, Wagner.

Yeas, 40. Nays, 29.

So the amendment was agreed to.

The motion was agreed to.

Mr. Fisher

Presented a Communication charging that certain violations of the building law are permitted by the Building Inspectors.

Mr. Pugh

Presented a Communication of similar import.

Which were referred to the Committee on Law.

Mr. Smedley

Presented a Petition from the Decatur Fire Engine Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Krider

Presented a Petition asking that "Maiden Lane" in the First Ward, may be graded.

Which was referred to the Committee on Surveys.

Mr. Bullock

Presented a Petition for a gas lamp at Ridge Avenue and George Street.

Which was referred to the Committee on Police.

Mr. Rubicam

Presented a Petition for a Culvert on Sixteenth Street from Jones Street to Arch Street.

Which was referred to the Committee on Surveys.

Mr. Hacker,

From the Committee on Finance, presented a Report, with a Resolution annexed, entitled, "Resolution to transfer certain items of appropriations to the Inspectors of the County Prison." (*See Appendix No.* 16.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report, with five Bills annexed, entitled,

1. An Ordinance to make an appropriation to the Department of the City Controller, for the year 1859.

2. An Ordinance to make an appropriation to the Clerks of Council, for the expenses of Councils for the year 1859.

3. An Ordinance to make an appropriation to the Department of the City Treasury for the year 1859.

4. An Ordinance to make an appropriation to the Department of the Receiver of Taxes for the year 1859.

5. An Ordinance to make an appropriation for the use of the Trustees of the City Ice Boat for the year 1859. (*See Appendix, No.* 17.)

Which were laid on the table and ordered to be printed.

Mr. Hacker,

From the same Committee, presented the following

## Resolution:

Releasing the sureties of Edward Ellis.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be, and he is hereby instructed to release the Bonds of the sureties of Edward Ellis, late Messenger in the Department of Highways, when he is satisfied that his accounts are correct.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Mascher

Moved to amend by inserting after the word "Highways," the words "and Emanuel Street, late Commissioner of Highways."

Which was agreed to.

The Resolution as amended, was adopted.

Mr. Hacker,

From the same Committee, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to authorize the Chief Engineer and Surveyor to enter into a contract for maps of the several wards of the City." (*See Appendix, No.* 18.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

Mr. Hacker

Moved to lay it on the table for one week.

Which was agreed to.

Messrs. Baird and Krider

Moved to reconsider the vote upon the Resolution to authorize the Clerk to publish a Bill for a Gas Loan, in conformity with law.

Which was agreed to.

Mr. Manuel

Submitted his reasons for voting in the negative,

which were ordered to be entered on the Journal. (*See Appendix, No.* 19.)

The Resolution being again before Council, it was adopted.

Mr. Jones,

From the Committee on Police, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to George Lowber, and the widow of the late Thomas H. Snyder." (*See Appendix, No.* 20.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Fish,

From the Committee on Markets, presented a Bill, entitled,

"AN ORDINANCE

to authorize the Commissioner of Markets to pay certain claims. (*See Appendix, No.* 21.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr. Wetherill,

Read in his place, and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

repealing all Ordinances relative to Vaccine Physicians, and requiring the out-door physicians elected by the Guardians of the Poor to perform that duty."

Which was laid on the table and ordered to be printed.

Mr. Heins

Moved to proceed to the consideration of the amendments of Select Council to a Resolution, entitled, "Resolution to repave and tramway Budd Street, in the Seventh Ward, as follows:

"Amend in 4th line, by striking out "*Commissioner Highways*," and inserting, "*Highway Department.*"

Which was agreed to.

And Common Council concurred in the amendment.

Mr. Potter

Moved to proceed to the consideration of a Resolution, entitled, "Resolution to authorize the paving of certain streets, and grading at Girard Avenue, Twenty-fourth Ward," now on second reading.

Which was agreed to.

The First Resolution was read.

Mr. Kelley

Moved to amend by striking out "Highway Department" and inserting "Property owners are."

Which was not agreed to.

The First Resolution was adopted.

The Second Resolution was adopted.

The Third Resolution was read.

Mr. Gordon

Moved to amend by adding the words "out of the appropriation of five thousand dollars, made for the grading of Girard Avenue in the Twenty-fourth Ward."

Which was agreed to.

The Third Resolution as amended was adopted.

The Fourth Resolution was adopted.

The Title was adopted.

A Message was read from Select Council, informing Council, that they had received a Report from the Committee on Water Works, with a Bill, entitled, "A Supplement to an Ordinance to make appropriations to the Department for supplying the City with water," passed January 27, 1858.

Which they had passed and ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. H. Miller

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

So Common Council concurred.

A Message was received from Select Council, informing Council, that they had received a Report from the Committee on Water Works, with a Resolution to transfer certain items of appropriations to the Department for supplying the City with water.

Which they had passed and ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

A Message was received from Select Council, inform-

ing Common Council, that they had received a Report from the Committee on Girard Estates, with a Resolution entitled, "Resolution to authorize transfers of appropriation," which they had passed, and ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time, and adopted.

So Common Council concurred.

A Message was received from Select Council, informing Council, that they had passed five Resolutions, entitled, "Resolutions to construe an appropriation, and to transfer certain items of appropriations made to the Board of Health," in which they ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The First Resolution was adopted.

The Second Resolution was adopted.

The Third Resolution was adopted.

The Fourth Resolution was adopted.

The Fifth Resolution was adopted.

Mr. H. Miller

Moved to amend by adding as a sixth Resolution the following:

*Resolved*, That the said Controller be, and he is hereby authorized to construe transfers of appropriation to Board of Health, approved Oct. 21st, 1858, to Board of Health,

for good-will, rent, and repairs of Hospital Buildings, so as to include the expenses of removal from old city hospital to the building now leased by the Board of Health on Islington Lane, and fitting up the same, as well as for the payment of any incidental repairs and small miscellaneous expenses incurred by said Board of Health at the old city hospital during the year 1858.

Which was agreed to.

So Common Council concurred with amendment.

Mr. Gordon

Moved to proceed to the consideration of the Amendments of Select Council to a Bill, entitled,

"AN ORDINANCE

to pay certain bills contracted by the Guardians of the Poor in excess of the annual appropriation, and contracted for principally previous to July, 1858, and for the erection of a stone building, for manufacturing purposes, &c., as follows;

Amend the first Section by striking out item 69, as follows, to wit:

"69. M. Henszey, 32.00."

Also amend by striking out items 102 and 103.

Amend in the second line by striking out "ten thousand two hundred and eighty-nine dollars," and inserting the words, "*seven thousand two hundred and seven dollars.*"

Amend the title by striking out the words, "*and for the erection of a stone building for manufacturing purposes, &c.*

Mr. Gay

Moved to concur in the first amendment.

Which was agreed to.

Mr. Gordon

Moved to non-concur in the second amendment.

Which was agreed to.

Mr. Gordon

Moved to non-concur in the third amendment.

Which was agreed to.

Mr. Gordon

Moved to non-concur in the fourth amendment.

Which was agreed to.

A Message was received from Select Council, informing Council that they had concurred in the Bill, entitled, "An Ordinance amendatory of the Sixth and Seventh Sections of an Ordinance for the construction of a bridge across the Schuylkill at Chesnut Street."

With the following amendment:

Amend in the 9th line of Section 1st, by adding after the word "cash," the words, "*to be realized from the issue of the bonds aforesaid.*"

Mr. Hutchinson

Moved to concur in the amendment of Srlect Council.

Which was agreed to.

So Common Council concurred.

Mr. Bullock,

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Committee on Finance be, and they are hereby required to investigate and report the condition of the residuary fund, provided for in the will of the late Stephen Girard, belonging to the City of Philadelphia.

Mr. Hacker

Moved to amend, by substituting the Committee ou Girard Estates, for the Committee on Finance.

Mr. Mascher

Moved to amend, by substituting the Committee on Trusts.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

The Resolution, as amended, was agreed to.

Mr. Gamble,

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Superintendent of the Girard Estates be hereby directed not to sign, complete, or carry out any contract for the improvement of Delaware Avenue, as per Ordinance of Councils approved Oct. 22, 1858, till further instructed by Councils. Also,

*Resolved*, That a Special Joint Committee of Select and Common Councils, consisting of four members each, be appointed to examine into this contract, and all other contracts and abuses of the Girard Estates, and report at their earliest convenience.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

Mr. Comley

Moved to adjourn.

Which was not agreed to.

The Resolution was read a second time and adopted.

A message was received from Select Council, informing Council, that they had passed a Bill, entitled, "An Ordinance to authorize a certain release to be given by the City Solicitor."

In which they ask concurrence.

Mr. Wister

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wister

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

Mr. Dennis,

On leave, offered the following

## Resolution:

*Resolved*, By the Common Council of the City of Philadelphia, that at the next stated meeting of this body the Ordinance No. 3, Select Council File, entitled, "An Ordinance providing for the sale of the materials contained in the Market Houses, &c.," be taken up at 4 o'clock, P. M

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

On the passage of the Resolution, the yeas and nays were demanded by Messrs. Handy and Wildey.

And were as follows:

YEAS.—Messrs. Brenan, Carson, Case, Cattell, Conrad William, Cooley, Day, Dennis, Ellis, Fitler, French, Gordon, Hacker, Harbert, Heins, Hodgdon, Hutchinson, Kelton, Ketcham, Krider, Luther, Manuel, Mascher, McBride, McIlvain, Miller George B., Potter, Riley, Rubicam, Savage, Server, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Wister.

NAYS.—Messrs. Bowker, Brown, Bullock, Conrad Osborn, Dickinson, Fish, Gamble, Gay, Gheen, Haas, Handy, Jones, Kelley, Kerr, Manderfield, McCahen, Miller Hiram, Mingle, Moyer, Nippes, Pugh, Uber, Walsh, Wildey.

Yeas 38. Nays 24.

So the Resolution was adopted.

Select Council informed Common Council, that they have concurred in the Resolution to appoint a Committee of Conference, upon the amendments to the Resolution, entitled, a Resolution expelling the Moyamensing Hose Company, and have appointed Messrs. Norman, McIntyre, and Cornman, a Committee under the Resolution.

Also, that they have concurred in the action of Common Council, in the appointment of a Committee on the subject of differences between the two chambers, on the Resolution, entitled,

"Resolution authorizing the paving of Twentieth and other Streets," and "Resolution authorizing the paving of Twenty-fifth and other Streets," and that the President has appointed on the part of Select Council, Messrs. Beideman, Nathans, and Neal.

Also, that they have concurred in the Resolution, entitled "Resolution prescribing conditions for petitioners for water pipes.

Also, that they have passed a Resolution, entitled, "Resolution instructing the City Controller not to sign certain warrants.

Also, that they have passed a Bill, entitled, "A Supplement to an Ordinance, to authorize the construction of a Culvert or drain on the line of Twentieth Street, northwardly from Arch Street."

Also, that they have received a Report from the Committee on Water Works, with a Resolution "instructing the Commissioner on Finance, to report a loan of $221,500 to extend the water works as recommended by the Chief Engineer of the Water Works."

Also, that they have concurred in the Resolution, entitled, "Resolution to transfer certain items of appropriation to the Superintendent of Trusts."

Also, that they have concurred in the amendment of Common Council to Select Council, entitled, "Resolutions to construe an appropriation, and to transfer certain items of appropriation made to the Board of Health."

Also, that they have concurred in the First and Second amendments of Common Council to Select Council Bill, entitled, "An Ordinance requiring the Chief Engineer and Surveyor to furnish the City Solicitor with measurements and descriptions of property against which claims are to be filed."

And non-concurred in the Third amendment as follows: "and the District Surveyors shall be entitled to one dollar for each and every description of lot or piece of ground so furnished; which amount shall be paid by the City Solicitor, and added to the bill of costs to be by him collected,

SEC. 2. It shall be the duty of the Board of Health in all cases where it may be requisite for them to perform

any work, upon any premises, to be paid for by measurement of quantity, that, prior to the commencement of such work, they shall advise the Survey Department thereof, when it shall be the duty of said Department to direct such measurements to be made by the District Surveyor in whose district the work may be situate, as may be requisite to obtain the accurate quantity of work done; when the same shall have been completed; and when notified by the Chief Engineer and Surveyor that such work is completed, he shall proceed to measure the same, make out duplicate bills therefor, stating the items, inclusive of Surveyors' charge, hereafter noted, assessing the cost thereof to the several properties upon which said work may have been performed, and return the same to the Department of Surveys, within twenty days after said notice has been received; which bills in duplicate shall then be delivered to the Health Officer, who shall proceed in form, as prescribed for bills of paving, in Section 2, of Ordinance, entitled, 'An Ordinance to regulate the manner of paving streets,' &c., approved May 3, 1855; excepting, that when the specified time may have elapsed after the delivery of said bills as so directed, and they remain unpaid, that they shall be remitted to the Department of Surveys, and proceeded with in manner set forth in Section 1 of this Ordinance, for the purpose of enabling the City Solicitor to file claims therefor, and collect the same according to law. The charges to which the Surveyors and Regulators shall be entitled for work so ordered, and which shall be paid by the City Solicitor, and included in bill of costs filed by him, shall be as follows: for one hundred cubic yards or less, two dollars, and two cents for each additional cubic yards."

Also, that they have concurred in the Bill, entitled, "An Ordinance supplementary to an Ordinance, entitled, An Ordinance to authorize the construction of the Cohocksink Creek, Vine Street, Moore Street, and Twenty-fifth Street Culverts.

Also, in the Resolution, entitled, "Resolution to pay certain bills for repairing Coates Street Wharf."

Also, in the Resolution, entitled, "Resolution to interpret an Ordinance making an appropriation to the Guardians of the Poor, approved October 27, 1858."

Also, in the Resolution, entitled, "Resolution authorizing the Highway Department, to finish grading Bridge Street, in the Twenty-fourth Ward."

Also, that they have concurred in the Resolution entitled "Resolution directing the revision of grades in the Twenty-fourth Ward."

Also, in the Resolution, entitled, "Resolution to notify the property owners on Haverford Street to grade footways, and to authorize the grading of certain streets."

Also, that they have non-concurred in the amendments of Common Council to Select Council, Resolution, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools, of the First School District of Pennsylvania, for the purpose of making repairs to the Normal School Building."

In all of which they ask concurrence.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, November 25, 1858.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Carson,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Epler,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
M'Cahen,
McClean,

Messrs. McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Quinn,
Riley,
Roats,
Rothermel,
Rubicam,
Savage,
Server,
Shermer,
Schoch,
Simon,
Simons,
Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,

Trego, *President.*

Mr. Jones -

Presented a Petition for three lamps on Broad Street near Tioga.

Which was referred to the Committee on Police.

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, November* 23, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—A Resolution passed by Councils on the 4th of November inst., has been filed in this Department to-day, directing me to audit the books of Eugene Ahern, Esq., late Commissioner of City Property.

In answer to this resolution, I would respectfully reply that I have audited the books of Mr Ahern, for the time embraced between the 30th of June, and the date of the expiration of his term of office, the 10th of July; during that time he seemed, as per his books, to have paid to the

City Treasurer the just amount of his collections. The late Controller, Stephen Taylor, Esq., had audited the books of Mr. Ahern to June 30, 1858, and pronounced them correct, and I knew then of no reason for me to go behind that audit, and I know of no reason now for my doing so, nor does your resolution so direct me. Subsequent to my audit of said books, it was found that Mr. Ahern had made the following collections, which were not credited upon his books:

| | |
|---|---|
| May 18, 1858, of Hiram Butcher, rent of room in Germantown Hall, - - - | $20 00 |
| July 8, 1858, of John Leupold, rent of house No. 1 Crown Street, - - - - | 65 00 |
| | 85 00 |

Upon notification to this effect, Mr. Ahern promptly paid the above amount to the present Commissioner of City Property, and since that date there is no evidence of any other amounts having been collected and unaccounted for. In auditing the books of this or any other department, we can do no more than examine the entries as made upon the books, which is about equivalent to the ipse-dixit of the head of a department. The Controller should know what each department is to collect, and then he can have some check upon those conducting the business of said department, and hold them for the city to a strict account for the collection or non-collection of the city revenue. A little reflection will show your body that audits by this department, upon the data at present offered to it, is but little more than a solemn farce. Should you require me to audit the books of Mr. Ahern after this statement, I await your further directions.

Very respectfully yours,

GEORGE W. HUFTY,

*Controller.*

Which was referred to the Committee on Finance.

Also,

A Communication from the Chief Engineer and Surveyor, in relation to certain proposals for building Culverts.

Which was laid on the table.

Mr. Bullock,

On leave, offered the following

## Resolution:

To prepare contracts for the construction of certain Culverts.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be, and he is hereby authorized and directed to prepare and have executed Contracts with the following persons, for the construction of the Culverts as authorized by Ordinance, approved February 27, 1858; said contracts to be in accordance with specifications drawn therefor by the Chief Engineer and Surveyor, and with the bids received and recorded November 15th, 1858, by the Chief Engineer and Surveyor, and with the bids received and recorded November 15th, 1858, by the Chief Engineer and Surveyor and the Chief Commissioner of Highways, to wit:

For the Cohocksink main Culvert, Daniel Stone.

For the Cohocksink branch Culvert, Messrs. D. & C. Kennedy.

For the Twenty-fourth Street main Culvert, D. & C. Kennedy.

For the Twenty-fourth Street branch Culvert, Bennet & Prall.

Moore Street Culvert, E. C. Paulin.

Vine Street Culvert, George Clark. (*See Appendix, No.* 22.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Gordon

Moved that its further consideration be postponed, and that it be made the special order of the day, for next Thursday at 4 o'clock.

Which was not agreed to.

Mr. Steelling

Moved to amend the Resolution, by adding the following amendment, to wit: add after the names of the Culverts, and before the names of the bidders, the following prices, to wit:

| | | |
|---|---|---|
| After | Cohocksink Main Culvert, | $50,357 17 |
| " | Cohocksink Branch " | 28,122 83 |
| " | Moore Street Culvert, | 12,132 40 |
| " | Twenty-fourth Street Main Culvert, | 53,983 00 |
| " | Twenty-fourth Street Branch Culvert, | 8,172 00 |
| " | Vine Street Culvert, | 10,102 50 |

Mr. Potter

Moved to amend by striking out "E. C. Paulin $12,132 40," and inserting "Israel Van Horn, 16,301."

Mr. Steelling

Withdrew the amendment offered by him, whereupon

Mr. Cooley

Renewed the same, and moved that the further consideration be postponed until next Thursday.

Which was agreed to.

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, November* 25, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I herewith transmit to you, the estimate of the expenditures of the School Department for the year 1859.

Yours, very respectfully,

GEORGE W. HUFTY,

*City Controller.*

OFFICE OF THE CONTROLLERS OF PUBLIC SCHOOLS,
*Philadelphia, November* 24, 1858.

At a Meeting of the Controllers of Public Schools, First District of Pennsylvania, held at the Controllers' Chamber, on Wednesday, November 24th, 1858, the following Resolution was adopted;

*Resolved*, That the Select and Common Councils of the City of Philadelphia, be informed that the sum of five hundred and seventy-two thousand one hundred and ninety-six dollars, will be required to defray the expenses of the Public Schools of the First School District of Pennsylvania; and one hundred and forty-six thousand three hundred and eighty-eight dollars, for the erection of School Buildings during the ensuing year 1859.

ROBERT J. HEMPHILL,

*Secretary.*

TO CHARLES B. TREGO, ESQ.,

*President of Common Council of Philadelphia.*

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, November* 25, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 20th inst., An Ordinance amendatory of the Sixth and Seventh Sections of "An Ordinance for the construction of a Bridge across the Schuylkill at Chestnut Street."

On the 20th inst., An Ordinance for the construction of a Bridge across the River Schuylkill at Chestnut Street.

On the 20th inst., An Ordinance supplementary to an Ordinance, entitled "An Ordinance to authorize the construction of the Cohocksink Creek, Vine Street, Moore Street and Twenty-fifth Street Culverts, approved February 27th, 1858."

On the 20th inst., A Resolution authorizing the Highway Department, to finish grading Bridge Street in the Twenty-fourth Ward.

On the 20th inst., A Resolution to interpret "An Ordinance making an appropriation to the Guardians of the Poor, approved October 27, 1858.

On the 20th inst., A Resolution to transfer certain items of appropriation to the Superintendent of Trusts.

On the 20th inst., A Resolution to repave and tramway Budd Street in the Seventh Ward.

On the 20th inst., A Resolution prescribing conditions for petitioners for water pipe.

On the 20th inst., A Resolution to pay certain bills for repairing Coates Street Wharf.

On the 25th inst., a Resolution releasing the sureties of William Engard.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The hour of four o'clock having arrived, when, in accordance with a Resolution passed at the last session of this Council, it was agreed to consider Bill No. 3 on Select Council file, entitled, "An Ordinance providing for the removal of the materials contained in the market houses in Market Street, and also prohibiting the occupying of the side-walk of said street by stands for the sale of meats, vegetables, and farm products, and also prohibiting the standing of market wagons in said street."

Mr. Wister

Moved to proceed to the second reading and consideration of said Bill.

Which was agreed to.

The First Section was read.

Mr. Mascher

Moved to amend by striking out all after the enacting clause, and inserting the following :

That the Commissioner of Market Houses be, and is hereby required to cause the market buildings between 15th and 17th Streets to be taken down by the 15th day of April, 1859, and the market buildings between 3d and 8th to be taken down by the 15th day of July, 1859, and the balance, from 3d Street to Delaware Avenue, to be taken down by the 15th day of April, 1860 ; and the materials of all kinds contained in said buildings and belonging to the city, to be placed on some of the city lots, subject to the further action of Councils.

Mr. Handy

Moved to amend by striking out all after "1859."

Which was not agreed to.

The question recurring on the amendment,

The yeas and nays were demanded by Messrs. Mascher and Epler.

And were as follows:

YEAS.—Messrs. Baird, Day, Kerr, Mascher, Wagner.

NAYS.—Messrs. Brenan, Bobb, Bowker, Brown, Bullock, Carson, Case, Cattell, Conrad William, Cooley, Cooper, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Enyard, Epler, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, Holmes, House, Hunter, Hutchinson, Jones, Kelley, Kelton, Kersey, Krider, Luther, Manderfield, Manuel, McBride, M'Cahen, McClean, McIlvain, Megary, Miller Geo. B., Miller Hiram, Morris, Moyer, Nippes, Potter, Pugh, Quinn, Riley, Roats, Rubicam, Savage, Server, Shermer, Simon, Simons, Smedley, Steelling, Thompson, Uber, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

Yeas, 5. Nays, 75.

So the amendment was not agreed to.

Mr. Kelley

Moved to amend by striking out all after the enacting clause, and inserting the following:

That there shall be erected three additional market houses on South Eleventh Street below Catharine: two on Moyamensing Avenue, below Marion Street; one in the late borough of Manayunk; two on Spring Garden Street between 18th and 19th Streets; two on Girard Avenue between Third and Lawrence Streets; and one in the

Twenty-fourth Ward, (in a location to be hereafter designated by resolution of Councils.) The said market houses shall be constructed upon plans and specifications to be furnished by the Chief Engineer and Surveyor and the Commissioner of Markets, which plans and specifications shall correspond, (according to the suitableness of the locations selected,) with the market houses now erected on Market Street and on South Second Street.

Mr. Bullock

Moved to postpone the amendment and the Bill for the present.

Mr. Handy

Moved to amend by inserting "until the first meeting in February."

On this motion the yeas and nays were demanded by Messrs. Handy and Kerr.

And were as follows:

YEAS.—Messrs. Bobb, Bowker, Brown, Bullock, Case, Comley, Dickinson, Haas, Handy, Hunter, Jones, Kelley, Kerr, Krider, McCahen, McClean, Moyer, Nippes, Simon, Uber, Walsh, Wildey, Wright.

NAYS.—Messrs. Baird, Brenan, Carson, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Epler, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gordon, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hutchinson, Kelton, Kersey, Luther, Manderfield, Manuel, Mascher, McBride, McIlvain, Megary, Miller George B., Miller Hiram, Morris, Potter, Pugh, Quinn, Riley, Roats, Rubicam, Savage, Server, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Wetherill, Wister, Trego, *President.*

Yeas 23. Nays 58.

So the amendment was not agreed to.

The motion was not agreed to.

Mr. Epler

Moved to postpone the amendment and the Bill indefinitely.

On this motion the yeas and nays were demanded by Messrs. Dickinson and Wildey.

And were as follows:

YEAS:—Messrs. Bobb, Brown, Conrad Osborn, Dickinson, Enyard, Epler, Gheen, Haas, Handy, Jones, Kelley, Kerr, Krider, McCahen, McClean, Nippes, Simon, Uber, Wildey, Wright.

NAYS:—Messrs. Baird, Brenan, Bowker, Carson, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gay, Gordon, Hacker, Harbert, Harmer, Heins, Hodgdon, Holmes, House, Hunter, Hutchinson, Kelton, Kersey, Luther, Manderfield, Manuel, Mascher, McBride, McIlvain, Megary, Miller George B., Miller Hiram, Morris, Moyer, Potter, Pugh, Quinn, Riley, Rubicam, Savage, Server, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wetherill, Wister, Trego, *President.*

Yeas 20. Nays 59.

So the motion was not agreed to.

The question recurring on the amendment offered by Mr. Kelley,

Mr. Hacker

Rose to a point of order that the amendment was not of a similar subject to the original Bill.

The point was decided to be well taken.

Mr. Bullock

Offered the following amendment:

Insert after the enacting clause, and before the words "that the Commissioner of Markets, &c.," "that when the owners of property on Market Street, or other persons interested therein, shall have paid into the City Treasury the just and full sum of four hundred and fifty thousand dollars," and by striking out the proviso.

Which was not agreed to.

Mr. Megary

Offered the following amendment:

Strike out all after the word "down," and insert the following:

Two Sections to be removed and put up on Moyamensing Avenue south of Marion Street.

Two Sections on Girard Avenue between Third and Lawrence Street.

Two Sections on Spring Garden Street, between Sixteenth and Nineteenth Streets; and one Section in the late Borough of Manayunk.

Three Sections on Eleventh Street, south of Catherine Street.

All the material not used in the above distribution to be placed on some of the city lots, subject to the further action of Councils. *Provided*, That the same shall not be removed before the 15th day of April, 1859. *Provided*, also, that the sum of ten thousand dollars be deposited in the City Treasury by the property owners on Market Street, on or before the 1st day of April, 1859, for the purpose of carrying this Ordinance into effect.

Which was not agreed to.

Mr. Gordon

Moved to amend by striking out all after the enacting clause, and inserting the following:

That as soon as this ordinance shall become a law, the Commissioner of Markets shall advertise for proposals, as follows:

1. To take down and remove the market houses now on Market Street, between Front and Fourth Streets, being three Sections, and re-erect the same, in a good and substantial manner, on South Eleventh Street, between Catharine and Washington Avenue.

2. To take down and remove the two sections of sheds on Market Street, between Fourth and Sixth Streets, and re-erect the same on Moyamensing avenue between Marion and Reed Streets.

3. To take down and remove the two sections of sheds on Market Street, between Sixth and Eighth Streets, and one section on Market Street west of Broad, between Sixteenth and Seventeenth Streets, and re-erect the said three Sections in Girard Avenue between Howard Street and Frankford Road.

4. To take down and remove the one section of market shed on Market Street, between Seventeenth and Eighteenth Streets, and re-erect the same in Manayunk, on Baker Street, between Green Lane and Centre Street.

5. All of the said proposals shall be opened by the Commissioner of Markets on the 31st day of December, 1858, in the presence of the Committee of Markets and the proposers, after which they shall be reported to Councils, who shall award the contract to the best bidders. *Provided*, nevertheless, that the parties to whom Councils shall award the contracts, shall enter satisfactory security for the faithful performance of their contracts with the Commissioner of Markets, before receiving authority to proceed with the

work; and *provided*, further, that no section of market houses named and described in this Ordinance, shall be removed, until the total sum or cost of removing and re-erecting all of the said described sections shall have been paid into the City Treasury by such parties as are desirous of having the Market Street sheds removed. And *provided*, further, that from and after the first day of January, 1859, the Commissioner of Markets shall not rent, lease, or devise any stall or stand in any of the market houses on Market Street, except by the week, until removed.

Mr. Wagner

Moved to amend the amendment by striking out after the words "Girard Avenue" the words, "between Howard Street and Frankford Road," and inserting "between Third and Laurence Streets."

Which was not agreed to.

Mr. Dickinson

Moved to adjourn.

On this motion the yeas and nays were demanded by Messrs. Handy and Dickinson.

And were as follows:

YEAS.—Messrs. Comley, Conrad Osborn, Dickinson, Haas, Handy, Jones, Kerr, Krider, M'Cahen, Nippes, Simon, Uber.

NAYS.—Messrs. Andress, Baird, Brenan, Bobb, Carson, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Enyard, Epler, Fish, Fisher, Fitler, French, Gay, Gheen, Gordon, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Hutchinson, Kelton, Kersey, Luther, Manderfield, Manuel, Mascher, McIlvain, Megary, Miller Geo. B., Miller Hiram, Morris, Potter, Pugh, Quinn, Riley, Rubicam, Savage, Server, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

Yeas, 12. Nays, 61.

So the motion was not agreed to.

The question recurring on the amendment offered by Mr. Gordon,

Mr. Dennis

Moved to amend the amendment by striking out the second proviso.

Which was not agreed to.

Mr. Steelling

Moved to amend the amendment by adding after the proviso,

"That the four squares of market sheds, situate between Fifteenth and Seventeenth Streets, and between Fourth and Sixth Streets, in Market Street, be removed by July 1st, 1859. The remaining five squares by April 1st, 1860, the materials in said market sheds to be placed upon some public grounds, subject to the future action of Councils."

Which was not agreed to.

Mr. M'Cahen

Moved to adjourn.

Which was not agreed to.

Mr. Pugh

Moved the previous question, seconded by the following gentlemen:

Messrs. Pugh, Heins, Cooley, Wister, Manderfield, Brenan, Megary, Ellis, Fitler, Fish, Manuel, Shermer, French.

The question being, "Shall the main question now be put?" the yeas and nays were demanded by Messrs. Kerr and Kelley.

And were as follows:

YEAS.—Messrs. Andress, Brenan, Bullock, Carson, Cattell, Conrad William, Cooley, Cooper, Dennis, Doerr, Eckfeldt, Ellis, Enyard, Epler, Fish, Fisher, Fitler, French, Gamble, Gheen, Hacker, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Kelton, Kerr, Kersey, Luther, Manderfield, Manuel, Mascher, McBride, McIlvain, Megary, Miller Geo. B., Miller Hiram, Nippes, Potter, Pugh, Quinn, Riley, Rubicam, Savage, Server, Shermer, Schoch, Simon, Simons, Smedley, Steelling, Thompson, Wagner, Wister.

NAYS.—Messrs. Baird, Bobb, Bowker, Brown, Case, Comley, Conrad Osborn, Day, Dickinson, Gay, Haas, Handy, Hunter, Jones, Kelley, McCahen, Walsh, Wildey, Trego, *President.*

Yeas, 56. Nays, 19.

The question recurring on agreeing to the amendment of Mr. Gordon, the yeas and nays were demanded by Messrs. Pugh and Kerr.

And were as follows:

YEAS.—Messrs. Bobb, Bowker, Brown, Bullock, Carson, Case, Comley, Conrad Osborn, Dickinson, Enyard, Epler, Fish, Fisher, Gamble, Gheen, Gordon, Haas, Handy, Hodgdon, Hunter, Jones, Kelley, Kerr, Krider, Manuel, McCahen, Nippes, Pugh, Server, Simon, Uber, Wildey, Trego, *President.*

NAYS.—Messrs. Andress, Baird, Brenan, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Fitler, French, Gay, Hacker, Harbert, Harmer, Heins, Hutchinson, Kelton, Kersey, Luther, Manderfield, Mascher, McBride, McIlvain, Megary, Miller George B., Miller Hiram, Potter, Quinn, Riley, Rubicam, Savage, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wister, Wright.

Yeas, 33. Nays, 45.

So the amendment was not agreed to.

The question recurring on the First Section, the yeas and nays were demanded by Messrs. Dickinson and Fish.

And were as follows:

YEAS.—Messrs. Andress, Baird, Brenan, Carson, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfelt, Ellis, Fish, Fisher, Fitler, French, Hacker, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Kelton, Kersey, Luther, Manderfield, Manuel, Mascher, McBride, McIlvain, Megary, Miller George B., Miller Hiram, Potter, Quinn, Riley, Rubicam, Savage, Server, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wister.

NAYS.—Messrs. Bobb, Bowker, Brown, Bullock, Case, Comley, Conrad Osborn, Dickinson, Enyard, Epler, Gamble, Gay, Gheen, Gordon, Haas, Handy, Jones, Kelley, Kerr, Krider, McCahen, Nippes, Pugh, Simon, Uber, Wildey, Wright, Trego, *President.*

Yeas, 49. Nays, 28.

So the First Section was agreed to.

Mr. Handy

Moved to adjourn.

Which was not agreed to.

The Second Section was read.

Mr. Gordon

Moved to amend by striking out in the first line the word "March," and inserting "January."

Which was not agreed to.

The same gentleman

Moved to amend by striking out the words "Broad Street, or any other street adjacent to Market Street."

Which was not agreed to.

Mr. Riley

Moved to amend by adding after the words "Market Street," "east of the River Schuylkill."

Which was not agreed to.

Mr. Gordon

Moved to amend by inserting after the word "sidewalk," the word "sheds."

Which was not agreed to.

Mr. Gordon

Moved to amend by adding after the word "dollars," in the seventh line, the words, "for each and every offence."

Which was not agreed to.

The Second Section was agreed to.

The Third Section was read,

Mr. Gordon

Moved to amend by striking out all of the Third Section.

Which was not agreed to.

Mr. McCahen

Moved to insert after the word "meats" the words "or farm produce."

Which was not agreed to.

Mr. Kelley

Moved to amend by striking out "Southwark" and inserting "The First Ward."

Which was not agreed to.

The Third Section was agreed to.

Mr. H. Miller

Moved to amend by adding the following, as an additional Section.

SECTION 4. The Committee on Markets are hereby directed to examine and report, at as early a day as practicable, the best locations to distribute and erect said markets, and report an Ordinance for their erection in such locations as they may deem most desirable.

Which was not agreed to.

Mr. Gordon

Moved to amend by adding the following as an additional Section:

SEC. 4. That any Ordinance or parts of Ordinances, which conflict with the provisions of this Ordinance be, and the same are hereby repealed.

Which was not agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Kelley and Gordon.

And were as follows:

YEAS:—Messrs. Andress, Brenan, Carson, Case, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Fisher, Fitler, French, Gay, Gordon, Hacker, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Kelton, Kersey, Luther, Manderfield, Manuel, Mascher, McBride, McIlvain, Megary, Miller George B., Miller Hiram, Potter, Riley, Rubicam, Savage, Server, Shermer, Schoch, Simons, Smedley, Steelling, Thompson, Wagner, Wister.

NAYS:—Messrs. Bobb, Bowker, Brown, Comley, Conrad Osborn, Dickinson, Enyard, Epler, Gamble, Gheen,

Haas, Handy, Hunter, Jones, Kelley, Kerr, Krider, McCahen, Nippes, Pugh, Uber, Walsh, Wildey, Trego, *President.*

Yeas 47. Nays 24.

So the Bill passed finally.

So Common Council concurred.

The President

Submitted the following Communication;

OFFICE OF THE RECEIVER OF TAXES,
*November* 25, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I would respectfully request that you would authorize the Commissioner of City Property to introduce gas in the office of this Department, No. 11 State House, second story.

Very respectfully, your obedient servant,

A. I. FLOMERFELT,
*Receiver of Taxes.*

Which was referred to the Committee on City Property.

A message was received from Select Council, informing Council, that they had passed a Bill, entitled, "An Ordinance to provide for an alteration in the mode and manner of leasing the Public Wharves and Landings."

Also, a Resolution, entitled, "Resolution transferring certain items of appropriation to the Guardians of the Poor."

Also, a Resolution, entitled, "Resolution to release the sureties of George Cubbler."

In which they ask concurrence.

Also, that they have received a Report from the Committee on City Property, with a Resolution directing the Committee on Finance to include certain bills in the appropriation to the Department of City Property, for the year 1859.

Also, that they have received a Report from the Committee on Railroads, with a Bill, entitled, "An Ordinance expressing the consent of Councils to the construction, by the Fairmount and Arch Street City Passenger Railroad Company, of railway tracks upon Arch, Twenty-first, and Twenty-second Streets."

Which they have adopted, and ask concurrence.

Also, that they have passed a Resolution to meet Common Council in Convention on Thursday next, to elect three Directors of the Pennsylvania Railroad Company.

Which they have passed, and ask concurrence.

Also, that they have concurred in the Resolution, entitled, "Resolution releasing the securities of Eugene Ahern."

Mr. Megary

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, December 2, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
Gamble,
Gay,
Gheen,
Gordon,
Haas,
Hacker,
Handy,

Messrs. Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Manderfield,
Manuel,
Mascher,
McBride,
M'Cahen,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,

Messrs. Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Schoch,
Simons,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President.*

The President

Submitted the following Communication from the Trustees of the Philadelphia Gas Works:

OFFICE PHILADELPHIA GAS WORKS,
*November* 30, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—At a stated meeting of the Trustees of the Philadelphia Gas Works, held on the 26th inst., I was requested, by resolution of the Board, to inform Councils of a vacancy occasioned by the death of John M. Odenheimer, a Trustee elected on the part of Common Council.

Respectfully,

ANDREW C. CRAIG,
*President of the Trustees.*

Which was read and laid on the table.

Mr. Krider

Presented a Petition for gas pipes on Reed Street between Fourth and Fifth Streets.

Which was referred to the Committee on Gas Works.

Also,

A Petition for a gas lamp at the corner of Fourth and George Streets.

Which was referred to the Committee on Police.

Mr. Server

Presented a Petition for grading, curbing, and paving Fisher Street.

Which was referred to the Committee on Highways.

Also,

A Petition for water pipes in Fisher Street.

Which was referred to the Committee on Water Works.

Mr. Kelley

Presented a Petition from the Typographical Cricket Club for the use of the Parade Ground adjoining the City Prison.

Which was referred to the Committee on City Property.

Mr. Hodgdon

Presented a Remonstrance against the widening of Chatham Street.

Which was referred to the Committee on Highways.

Mr. Wetherill

Presented a number of Remonstrances against the Arch Street Passenger Railway.

Which were referred to the Committee on Railroads.

Mr. Kelton

Presented a Petition for a lamp on Race Street east of Twentieth Street.

Which was referred to the Committee on Railroads.

Also,

A Petition of the Second and Third Street Passenger Railway, asking for a change of route, and to explain the meaning of section third of an Ordinance to regulate Passenger Railways.

Which was referred to the Committee on Railroads.

Also,

A Remonstrance from the Directors of the Second and Third Street Passenger Railway against the removal of the market wagons from Second Street.

Which was referred to the Committee on Markets.

Mr. Hacker

Presented a Petition for aid from the Northern Home for Friendless Children.

Which was referred to the Committee on Finance.

Mr. Dennis

Presented a Petition of Jos. Severns & Co., for payment of a certain claim.

Also,

A Petition of like import from Hoffman & Moratz.

Also,

A Petition of Wm. N. Johnson, for the refunding of certain taxes assessed in error.

Which were referred to the Committee on Claims.

Also,

A Petition of the Trustees of Shiloh Baptist Church, for a gas lamp in Clifton Street.

Which was referred to the Committee on Police.

Mr. Fish

Presented a Petition for water pipe in Poplar Street from Nineteenth to Grape Street.

Which was referred to the Committee on Water Works.

Mr. Potter

Presented a Petition for aid from the Rosine Association.

Which was referred to the Committee on Finance.

Mr. Hutchinson

Presented a Petition for additional markets on Spring Garden Street.

Mr. Kersey

Presented one of similar import.

Mr. Gordon

Presented one of similar import.

Which were referred to the Committee on Markets.

Mr. Kersey

Presented a Petition for the paving of Wilcox Street.

Mr. Bowker

Presented a Petition for the paving of a footway on the main street in Manayunk.

Which was referred to the Committee on Highways.

Mr. Eckfeldt

Presented a Petition for a gas lamp at the corner of Corinthian Avenue and Cambridge Street.

Mr. Wister

Presented a Petition for gas lamps on School Street in the Twenty-second Ward.

Mr. Morris

Presented a Petition for gas lamps on Emory and other streets in the Nineteenth Ward.

Which were referred to the Committee on Police.

Mr. Smedley

Presented a Petition for a better suply of water in the Twenty-third Ward.

Which was referred to the Committee on Water Works.

Mr. Savage

Presented a Petition for the grading and curbing of Washington Avenue.

Which was referred to the Committee on Highways.

Mr. Harmer

Presented a Petition from the Fellowship Fire Engine Company, asking that their house may be approved as a location for a steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Kersey

Presented a Remonstrance against a double track railway on Callowhill Street.

Which was laid on the table.

Mr. Hacker,

From the Committee on Finance, presented a report with a Resolution annexed, entitled,

## Resolution:

to change certain Items of appropriation to the Receiver of Taxes, (*See Appendix, No.* 23.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Also

From the same Committee, presented a further Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Commissioners to pay certain claims and expenses." (*See Appendix, No.* 24.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The First Section was read.

Mr. Day

Moved to amend by adding at the end thereof the following:

"To F. Graham for comparing and correcting tax duplicate for 1858, fifty dollars."

"To Andrew J. Severns for comparing and correcting tax duplicates for 1858, fifty dollars."

And also, to amend by striking out $10,148 34 and inserting $10,248 34.

Mr. Mascher

Moved to postpone its further consideration for the present.

Which was agreed to.

Mr. Hacker

Presented a further report from the same Committee, with two Bills, entitled,

1. "An Ordinance to make an appropriation to the Police Department for the year 1859."

2. "An Ordinance to make an appropriation to the Department of City Property for the year 1859." (*See Appendix No.* 25.)

Which were laid on the table and ordered to be printed.

Mr. Hacker,

On leave, moved to concur in the Resolution from Select Council, to meet in convention at 4 o'clock on Thursday December 2, to elect Directors of the Pennsylvania Railroad Company.

Which was agreed to.

So Common Council concurred.

The hour of four o'clock having arrived,

The President and members of Select Council were introduced, and Councils being assembled in Convention, the President, Mr. Cuyler, announced the object thereof.

The Clerks, acting as tellers, reported that 73 votes had been cast, of which,

Select Council,

Messrs. Bringhurst, Cornman, Davis, Enos, Ford, Leidy, McIntyre, Neal, Parker, Reed, Thompson,

11, voted for Joseph M. Thomas, Benjamin T. Curtis, and Horatio C. Wood.

Common Council,

Messrs. Bobb, Bowker, Brown, Bullock, Case, Cattell, Conrad Osborn, Conrad William, Cooley, Cooper, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Gamble, Gheen, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, Hunter, Hutchinson, Jones, Kelton, Kersey, Ketcham, Krider, Manuel, Miller Geo. B., Miller Hiram, Mingle, Morris, Moyer, Nippes, Potter, Riley, Savage, Server, Simons, Smedley, Steelling, Wagner, Wetherill, Wildey, Wister, Trego, *President*,

52, voted for Joseph M. Thomas, Benjamin T. Curtis, and Horatio C. Wood.

In all, 63 votes.

Select Council,

Messrs. Benton, Cuyler, and Nathan,

3, voted for Samuel Megarge, John Robbins, Jr., and John G. Brenner.

Common Council,

Messrs. Baird, Brenan, Gay, Kelley, McIlvain, and Thompson,

6, voted for John Robbins, Jr., Samuel Megarge, and John G. Brenner.

In all, 9 votes.

Common Council,

Mr. Manderfield,

1, voted for John W. Forney, Edward G. Webb, and Geo. W. Nebinger.

Mr. Bullock,

From the Committee on Highways, presented a Report, with two Resolutions annexed, entitled,

1. "Resolution to authorize the paving of Stiles and other streets."

2. "Resolution to authorize the City Solicitor to enter satisfaction on certain bonds and judgments. (*See Appendix No.* 26.)

And moved to proceed to the second reading and consideration of the first Resolution.

Which was agreed to.

The first Resolution was read a second time, and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the second Resolution.

Which was agreed to.

The second Resolution was read a second time, and adopted.

Mr. Bullock

Presented a further Report from the same Committee, with a Bill annexed, entitled, "An Ordinance to create a loan by the issue of certificates of debt, in payment of road damages," together with a Resolution authorizing the Clerk to publish the same in conformity with law. (*See Appendix, No.* 27.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Bullock

Moved that it be adopted.

Mr. Gordon

Moved to amend this motion by adding, "and also the Resolution directing the Clerk to advertise the Ordinance to authorize a Public School Fund," read in place by him, August 12, 1858.

The President

Decided that this amendment was not in order, the bill having been referred to the Committee on Finance, and therefore not before Council.

Mr. Gordon

Then moved to amend the motion of Mr. Bullock, by adding "and that the following Resolution be also adopted.

## Resolution

*Resolved*, That the Clerk be authorized and required to publish in two daily newspapers of this City, daily, for four weeks, the Ordinance presented to Common Council, at a Stated Meeting thereof, held on the 2d day of December, 1858, entitled "An Ordinance to authorize a Loan to pay for the erection of Public School Houses in the City of Philadelphia;" and the said Clerk, at the Stated Meeting of Councils next after the expiration of four weeks from the first day of said publication, shall present to Councils one of each of the said newspapers for every day in which the same shall have been made.

And submitted a draught of the Ordinance referred to therein, as a bill now read in place. (*See Appendix No.* 28.)

Mr. Potter

Moved to amend the amendment by striking out of the draft or bill the words, "two hundred and fifty thousand dollars," and inserting in place thereof, "one hundred thousand dollars."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The motion as amended was agreed to, and the Resolutions directing the Clerk to publish the bills referred to, were adopted.

Mr. Mascher

Moved to suspend the order of the day, for the purpose of taking up business from Select Council, now on the President's desk.

Mr. Steelling

Moved to amend by striking out "business of Select Council," and inserting, "Resolution to prepare contracts for the construction of certain culverts."

Which was not agreed to.

The motion was not agreed to.

Mr. Jones,

From the Committee on Police, presented a Report, with a Resolution annexed, entitled, "Resolution transferring certain items of appropriation to the Police Department." (*See Appendix, No.* 29.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report from the same Committee, with a Resolution annexed, entitled, "Resolution authorizing the Mayor to sell certain articles." (*See Appendix, No.* 30.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Hutchinson,

From the Committee on Surveys, presented a Report, together with the estimates for the Department of Surveys for the year 1859, as approved by that Committee. (*See Appendix No.* 31.)

Which was referred to the Committee on Finance.

The same gentleman

Presented a further Report adversely to the Remonstrance against the location of a certain proposed culvert on Twenty-fourth Street, together with a Resolution discharging the Committee from the further consideration of the subject. (*See Appendix No.* 32.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee, adversely to certain Petitions for a change in the contract system, with a Resolution annexed, discharging the Committee from the further consideration of the subject. (*See Appendix No.* 33.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee, with a Resolution annexed, entitled, "Resolution directing grade regulations to be established in the First Ward." (*See Appendix No.* 34.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis,

From the Committee on Claims, presented a Report with a Bill annexed, entitled, "An Ordinance to pay the claims of Joseph Hufty, Alderman Moore, and Joseph B. Neal." (*See Appendix No.* 35.)

Which were laid on the table and ordered to be printed.

Mr. Brown,

From the Committee on Wharves and Landings, presented a Report, with a Resolution annexed, entitled, "Resolution authorizing the Commissioner of Markets to have Reed Street Wharf repaired. (*See Appendix No.* 36.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon

Read in his place and presented to the Chair a Bill, entitled,

"AN ORDINANCE

providing for the relief of the poor of the City of Philadelphia."

Which was referred to the Committee on Poor.

Mr. Potter

Offered the following

## Resolution:

*Resolved*, That when this Council adjourn, it will adjourn to meet on Tuesday evening next at 7 o'clock.

Mr. Savage

Moved to amend by striking out 7, and inserting 3.

Which was not agreed to.

Mr. Kelley

Moved to amend by striking out "Tuesday at 7" and inserting "Saturday at 3."

Which was not agreed to.

Mr. Mascher

Moved to amend by adding "for the purpose of considering business from Select Council.

Which was agreed to.

The Resolution as amended, was adopted.

Mr. Fish

Offered the following

## Resolution:

Authorizing the West Philadelphia Railway Company to place a stand on the market space west of Third Street.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Commissioner of Markets be authorized under the direction of the Committee on Market houses to grant permission to the West Philadelphia Passenger Railway Company, to occupy sufficient space on that part of Market Street west of Third Street, immediately adjacent to the market house, for the erection of a stand for the starting agent of the said Company; said stand to be removed at any time on notice from the Commissioner of Markets.

Mr. Wetherill

Moved to refer the Resolution to the Committee on Railroads.

Which was not agreed to.

Mr. Mascher

Moved to refer the Resolution to the Committee on Highways.

Which was not agreed to.

Mr. Cattell

Moved to amend by striking out all after the word "Company," and inserting the following:

"Provided they pay a proper rent therefor, and remove the same before the 15th of April next, or at any time the Commissioner of Markets may direct."

Mr. Gordon

Moved to amend by adding the following:

*And Provided further*, That the Railroad Company shall pay $500 per month for the use of the said space.

Mr Potter

Moved to postpone the amendments together with the Resolution indefinitely.

Which was agreed to.

Mr. Megary

Read in his place and presented to the chair, a Bill, entitled,

"AN ORDINANCE

to repeal an Ordinance, entitled, 'An Ordinance to provide for the collection of outstanding taxes,' approved November 2nd, 1857."

Which was laid on the table, and ordered to be printed.

A message was received from Select Council informing Council, that they had received a report from the Committee on Girard Estates with a Resolution, entitled, "Resolution releasing the Mine Hill and Schuylkill Haven Railroad Company from certain damages," which they have passed, and ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

Mr. Hacker

Moved to amend by striking out the proviso.

Mr. Steelling

Moved to postpone the subject for the present.

Which was agreed to.

Mr. Dickinson

Offered the following

## Resolution:

*Resolved*, That we now proceed to elect three managers for the Will's Hospital, to serve for three years from the 25th of November last.

Also, one Director for the Girard College, to fill he vacancy occasioned by the resignation of Frederick A. Packard.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Council proceeded to an election for three managers of the Will's Hospital, and one director of Girard College.

Mr. Dickinson

Nominated J. Rodman Paul, Edward Hopper, and R. S. Kenderdine, as managers of the Will's Hospital.

Mr. Wister

Nominated William Welsh, as Director for Girard College.

The Clerks, acting as Tellers, reported that 49 votes had been cast, of which

Messrs. Bobb, Bowker, Brown, Bullock, Case, Cattell, Conrad Osborn, Cooley, Cooper, Dennis, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Gamble, Gheen, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, Hunter, Hutchinson, Jones, Kelton, Ketcham, Krider, Manuel, Miller Geo. B., Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Savage, Server, Simons, Smedley, Steelling, Wagner, Wetherill, Wildey, Wister, Trego, *President.*

48, voted for Wm. Welsh for Director of Girard College, and for J. Rodman Paul, Edward Hopper, and R. S. Kenderdine, for Managers of Wills' Hospital.

Mr. Mascher,

1, voted for Brewer, A. Miller, Northrop.

The President

Declared that Wm. Welsh having received the highest number of votes was duly elected a Director of Girard College, and J. Rodman Paul, Edward Hopper, and R. S. Kenderdine, Managers of Wills' Hospital.

Mr. Potter

Moved to proceed to the second reading and consideration of the amendments of Select Council to a Resolution, entitled, "Resolution to authorize the paving of certain streets, grading at Girard Avenue, Twenty-fourth Ward, and the erection of a bridge over Creesham Creek.

Which was agreed to.

The amendments were agreed to.

So Common Council concurred.

Mr. Steelling

Moved to resume the consideration of a Resolution to prepare contracts for the construction of certain culverts.

Which was agreed to.

Mr. Gordon

Moved to postpone the further consideration of the Resolution for the present.

Mr. Cooley

Withdrew the amendment renewed by him, and substituted the following as an amendment at the end of the Resolution:

*And further Resolved*, That the City Solicitor be, and is hereby authorized and directed to specify in said contracts, as follows:

"And it is mutually agreed and distinctly understood that the decision of the Chief Engineer and Surveyor shall be final and conclusive in any dispute which may arise between the parties to this agreement relative thereto, and touching the same; and each and every of the said parties do hereby waive any right of action, suit, or suits, or other remedy in law or otherwise, by virtue of said covenants, so that the decision of said Chief Engineer and Surveyor shall, in the nature of an award, be final and conclusive on the rights and claims of said parties."

Which was agreed to.

Mr. Potter

Moved to further amend by striking out "E. C. Pauling," and inserting "Israel Van Horn."

Which was not agreed to.

Mr. Potter

Presented his reasons for voting in the negative. (*See Appendix, No.* 37.)

The Resolution, as amended, was adopted.

Mr. Bullock

Moved to proceed to the further consideration of a Bill, entitled,

"AN ORDINANCE

to make an appropriation to pay certain road damages."

Which was not agreed to.

Mr. Bullock

Moved to adjourn.

Which was not agreed to.

A message was received from Select Council, informing that they had adhered to the amendment of Select Council to the Bill, entitled, "An Ordinance to pay certain bills contracted by the Guardians of the Poor, in excess of the annual appropriation, and contracted for principally previous to July, 1858, and for the erection of a stone building for manufacturing purposes, &c.," in striking out "Item 102."

Also, that they adhere to their amendment to the title by striking out the words, "*and for the erection of a stone building for manufacturing purposes, &c.*"

Also, that they recede from their amendment striking out "Item 103."

Also, that they adhere to their amendment changing the amount of the appropriation so far as necessary, and have appointed Messrs. Read, Loughlin, and Bringhurst, a

Committee of Conference on the points of difference between the two chambers.

Mr. Gordon

Moved that Common Council insist in their non-concurrence in the amendments of Select Council, and that a Committee of Conference be appointed.

Which was agreed to.

Messrs. Gordon, Savage, and Ellis, were appointed on said Committee.

Mr. Wister

Moved to proceed to the second reading and consideration of the Bill, entitled,

"AN ORDINANCE

expressing the consent of Councils to the construction, by the Fairmount and Arch Street City Passenger Railroad Company, of railway tracks upon Arch, Twenty-first, and Twenty-second Streets."

Which was agreed to.

The First Section was read.

Mr. Wetherill

Moved to strike out the word "double" where it occurs before the word "track."

The amendment was not agreed to.

The First Section was agreed to.

Mr. Brenan

Offered the following as a Second Section:

SECTION 2. The Select and Common Councils of the City of Philadelphia do ordain and declare their consent to the construction of the Railway authorized to be built by an Act of the Legislature of Pennsylvania, entitled,

"an Act to incorporate the Central Passenger Railway Company," approved April 21st, 1858.

Which the President decided to be out of order, as the proposed amendment consisted of a pending bill on a different subject.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Dickinson and Hacker.

And were as follows:

YEAS:—Messrs. Bobb, Brown, Bullock, Cattell, Cooley, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Fitler, Gamble, Gay, Gheen, Gordon, Haas, Handy, Harbert, Heins, Hodgdon, Hutchinson, Jones, Kelley, Kelton, Kerr, Krider, Manderfield, Manuel, Mascher, McBride, Miller George B., Miller Hiram, Mingle, Morris, Nippes, Potter, Pugh, Savage, Server, Simons, Walsh, Wister, Wright, Trego, *President.*

NAYS:—Messrs. Case, Hunter, Smedley, Steelling Wagner, Wetherill, Wildey.

Yeas, 48. Nays, 7.

So Common Council concurred.

A message was received from Select Council informing that they had received a Report from the Committee on Schools, with a Bill, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools, for the payment of certain bills and for fitting up the secondary School House in Fitzwater Street." which they had passed and ask concurrence.

Also, that they had received a Report from the Committee on Water Works, with a Resolution, entitled, "Res-

olution to lay water pipes in Tenth and Stocker Streets." which they had passed, and ask concurrence.

Also, that they had passed a Resolution, entitled, "Resolution instructing the Committee on Claims to furnish a report of bills," in which they ask concurrence.

Also, a Resolution, entitled, "Resolution instructing the Committee on Market Houses and City Property to report in relation to certain lots."

Also, that they had concurred in the Resolution, entitled, "Resolution making certain inquiries relative to the Gas Works."

With the following amendments, in which they ask concurrence.

Amend, in the third line, by striking out the words, "Common Council," and inserting the word, "*Councils.*"

Also, in the Resolution, entitled, "Resolution to transfer certain items of appropriation to the Inspectors of the County Prison."

With the following amendments, in which they ask concurrence.

Amend, by adding at the end thereof, as follows, to wit:

"*And from Item* 5, *Potatoes and Vegetables, to Item* 37, *Supplies and Subsistence, Debtor's Prison, one hundred and fifty dollars.*"

Also, that they have concurred in the Resolution to investigate the condition of the residuary fund of Stephen Girard.

Also, in the Resolution, entitled, "Resolution transferring certain items of appropriation to the Police Department."

Also, in the Bill, entitled, "An Ordinance making an appropriation to George Lowber, and to the widow of the late Thomas H. Snyder."

Also, in the Resolution, entitled, "Resolution releasing the sureties of Edward Ellis and Emanuel Street."

Also, in the Resolution, entitled, "Resolution authorizing the Mayor to sell certain articles."

Mr. Kerr

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## TUESDAY, December 7, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Hacker,
Handy,
Hodgdon,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,

Messrs. Kersey,
Ketcham,
Manuel,
Mascher,
McBride,
McDonough,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Roats,
Savage,
Server,
Simons,
Smedley,
Steelling,
Thompson,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President.*

Mr. Hacker,

On leave, presented a communication from Geo. W. Simons, asking to be released from his Bond as surety on a certain lot of ground.

Which was referred to the Committee on Finance.

Council proceeded to the consideration of the amendments of Select Council to a Resolution, entitled, "Resolution making certain inquiries relative to the Gas Works." To wit:

Amend in the third line by striking out the words "Common Council," and inserting the word "*Councils.*"

Mr. Manuel

Moved to concur in the amendment.

Which was agreed to.

Council proceeded to the consideration of a message from Select Council, informing this Council that they have non-concurred in the amendment of Common Council to Select Council's Resolution, entitled, "Resolution in reference to street nomenclature."

Mr. Mascher

Moved that this Council recede from their amendment.

Which was agreed to.

Council proceeded to the consideration of the amendments of Select Council to a Resolution, entitled, "Resolution to transfer certain items of appropriation to the Inspectors of the County Prison." To wit:

Amend by adding at end thereof as follows, to wit: "*And from item* 5, *Potatoes and Vegetables, to item* 37, *Supplies and subsistence Debtor's Prison, one hundred and fifty dollars.*"

Mr. Hacker

Moved to concur in the amendment.

Which was agreed to.

Council proceeded to the consideration of a message from Select Council, informing this Council, that they had non-concurred in the amendments of Common Council to Select Councils' Resolution, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania, for the purpose of making repairs to the Normal School building."

Mr. Dickinson

Moved that this Council insist on their amendment.

Which was agreed to.

Council proceeded to the consideration of a message from Select Council informing this Council, that they had concurred in the first and second amendments of Common Council to Select Councils' bill entitled, "An Ordinance requiring the Chief Engineer and Surveyor to furnish the City Solicitor with measurements and descriptions of property against which claims are to be filed," and non-concurred in the third amendment, as follows:

Mr. Pugh

Moved that this Council insist on their amendments.

Which was agreed to.

Council proceeded to the consideration of the amendments of Select Council, to the Bill, entitled, "An Ordinance for the repair of a small bridge and a road in the Twenty-third Ward, to wit: Amend the First Section in the eighteenth and nineteenth lines, by striking out "*Chief Commissioner of Highways*," and inserting the words "*Department of Highways*."

Mr. Smedley

Moved that this Council concur in the amendments.

Which was agreed to.

Council proceeded to the consideration of the message from Select Council informing this Council that in compliance with the request of Common Council they herewith return the Bill, entitled, "An Ordinance to authorize the construction of certain Culverts or Drains, on the lines of Girard Avenue, Arch Street, Jefferson Street, Fifteenth Street, and Race Street; in the Ninth, Tenth, Seventeenth and Twentieth Wards.

Mr. Hutchinson

Moved that the further consideration of the Bill be indefinitely postponed.

Which was agreed to.

Council proceeded to the second reading and consideration of a Resolution from Select Council, entitled, "Resolution to enter satisfaction on the bond of John Lair."

The Resolution was read a second time.

Mr. Wister

Moved that the further consideration of the Resolution be indefinitely postponed.

Which was agreed to.

Council proceeded to the consideration of a Bill from Select Council, entitled, "An Ordinance relative to the public Square and parade ground in the First Ward of the City of Philadelphia."

The Bill was read a second time.

Mr. Wister

Moved to refer the Bill to the Committee on Highways from this Chamber.

Which was agreed to.

Council proceeded to the consideration of a Bill from Select Council, entitled "An Ordinance to confirm the title to certain Real Estate in the City of Philadelphia."

The Bill was read a second time.

The First and only Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Smedley

Moved to read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time, and passed finally.

So Common Council concurred.

Council proceeded to the consideration of the Resolution from Select Council, entitled "A Resolution to release the sureties of Charles O'Neil."

The Resolution was read a second time.

Mr. H. Miller

Moved that the further consideration of the Resolution be indefinitely postponed.

Which was agreed to.

Council proceeded to the consideration of the Resolution from Select Council, entitled "Resolution to lay Water Pipes in Tenth and Stocker Streets."

The Resolution was read a second time.

Mr. H. Miller

Moved to amend by adding the following at the end of the Resolution:

"Also on the North side of Girard Avenue, from Ash to Norris Streets, in the Eighteenth Ward, and Eagle Court, from Bird's Alley to its termination, in the Eighth Ward, and in Willow Street, from Twelfth to Thirteenth Streets, in the Fourteenth Ward; and Hamilton Street, from Chestnut to Walnut Street, in the Twenty-fourth Ward."

Mr. Gay

Moved to amend the amendment, by striking out "and Hamilton Street, between Chestnut and Walnut Streets, in the 24th Ward."

Which was agreed to.

The Amendment was agreed to.

The Title was read.

Mr. Gay

Moved to amend by adding to the end thereof the words, "and other Streets."

Which was agreed to.

The Title as amended was agreed to.

Council proceeded to the consideration a Resolution from Select Council, entitled "Resolution relative to the leasing of the Tobacco Warehouse."

The Resolution was read a second time.

Mr. Wetherill

Moved to amend by adding after the word "Warehouse," the words, "by Public Vendue to the highest and best bidder."

Also

Add before the words "Five Thousand Dollars," the words "of not less than."

Which was agreed to.

The Resolution, as amended, was adopted.

The Title was agreed to.

Council proceeded to the consideration of a Resolution from Select Council, entitled, "Resolution to transfer an item of appropriation to the Board of Controllers of Public Schools."

The Resolution was read a second time.

Mr. Kelley

Moved to amend, by adding at the end thereof, "and that the sum of two hundred dollars in the item of Appropriation to Night Schools in the second section, be transferred to the item Repairs in the same section."

Which was agreed to.

The Resolution, as amended, was adopted.

The Title was read.

Mr. Kelley

Moved to amend, by striking out the words, "an item," and inserting "certain items."

Which was agreed to.

The Title, as amended, was adopted.

Council proceeded to the consideration of the Resolution from Select Council, entitled, "Resolution to transfer an item of appropriation, and to authorize the painting of the Wire Bridge."

The First Resolution was read a second time and adopted.

The Second Resolution was read a second time.

Mr. Kelley

Moved to amend, by adding at the end thereof, "the work to be given out by contract to the lowest and best bidder giving requisite security."

The amendment was agreed to.

The Resolution, as amended, was adopted.

The Title was adopted.

Council proceeded to the consideration of the Resolution from Select Council, entitled, "Resolution instructing the City Controller not to sign certain warrants."

The Resolution was read a second time.

The First Resolution was adopted.

The Second Resolution was adopted.

The Title was adopted.

So Common Council concurred.

Council proceeded to the consideration of the Resolution, entitled, "Resolution instructing the Committees on Market Houses and City Property to Report in relation to certain lots."

The Resolution was read a second time and adopted.

The Title was adopted.

So Common Council concurred.

Council proceeded to the consideration of the Bill, entitled, "A Supplement to an Ordinance to authorize the

construction of a Culvert or drain on the line of Twentieth Street, Northwardly from Arch Street."

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time by its Title, and passed.

So Common Council concurred.

Council proceeded to the consideration of the Resolution from Select Council, entitled, "Resolution instructing the Committee on Claims to furnish a Report of Bills."

The Resolution was read a second time and adopted.

The Title was adopted.

So Common Council concurred.

Council proceeded to the consideration of the Bill from Select Council, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools for the payment of certain bills, and for fitting up the new Secondary School-house in Fitzwater Street."

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Council proceeded to the consideration of the Resolution from Select Council, directing the Committee on Finance to include certain Bills in the appropriation to the Department of City Property for the year 1859.

The Resolution was read a second time.

Mr. Jones

Moved to strike out so much of the Resolution as refers to an appropriation of $700 for constructing a fence around the City Burial lot on Hart's Lane.

Mr. H. Miller

Moved to postpone the further consideration of the Resolution for the present.

Which was agreed to.

Council proceeded to the consideration of a Bill from Select Council, entitled, "An Ordinance to provide for the appointment of Commissioners to digest and report a Municipal Code."

The Bill was read a second time.

Mr. Wister

Moved to refer the Bill to the Committee on Law from this chamber.

Which was agreed to.

Council proceeded to the consideration of a message from Select Council, informing this Council that they insist in their amendments to the Resolution, entitled, "Resolution to authorize the Second and Third Street Passenger Railway Company to construct a branch road on Shackamaxon and Penn Streets."

Mr. Pugh

Moved to refer the message, with the Resolution, to the Committee on Railroads from this chamber.

Which was agreed to.

Council proceeded to the consideration of the amendments of Select Council to the Resolution, entitled, "Resolution relative to Cleansing the Streets of the city." To wit;

Amend by adding at the end thereof, the following, to-wit: "and the Highway Department be, and they are hereby required to open (in the presence of the Committee on Highways,) the Proposals for Cleansing the Streets now in the Office—said proposals to be reported to Councils with those awarded for confirmation at their next Meeting, after which, the authority given in the first part of this Resolution shall cease and determine.

Mr. Potter

Moved to amend by striking out all after the word "Resolved," and inserting the following:

By the Select and Common Councils of the City of Philadelphia, that the Chief Commissioner of Highways, is hereby authorized to give public notice that proposals will be received at his office until 12 o'clock M., of Monday, the 20th day of December, inst., for cleansing the Streets of the City of Philadelphia, said proposals to be made upon the basis of certain specifications, to be furnished by the Highway Department, and to be made for the period of one year, commencing January 1, 1859. *Provided* that no more than two Districts shall be awarded to one Contractor.

Mr. Kelley

Moved to amend the amendment by striking out the Proviso at the end thereof.

Which was agreed to.

Mr. Gordon

Moved to postpone the further consideration of the Resolution for the present.

Which was not agreed to.

Mr. Pugh

Moved to postpone the further consideration of the amendment, together with the Resolution, and that it be made the special order of business for next Thursday, at 6 o'clock.

Which was not agreed to.

The amendment as amended was agreed to.

So Common Council concurred in the amendment of Select Council, with an amendment.

Messrs. Pugh and Manuel

Moved to reconsider the vote just taken.

Which was not agreed to.

Council proceeded to the consideration of the Resolution instructing the Committee on Finance to report a Loan of $221,500, to extend the Water Works, as recommended by the Chief Engineer of the Water Works.

The Bill was read a second time.

Mr. Mascher

Moved that the further consideration of the Bill be postponed for the present.

Which was not agreed to.

Mr. O. Conrad

Moved a call of the house, when the following gentlemen answered to their names.

Messrs. Baird, Brenan, Case, Cattell, Conrad Osborn, Cooley, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gay, Gheen, Gordon, Hacker, Handy, Hutchinson, Kelley, Kelton, Kerr, Kersey, Manuel, Mascher, McBride, McIlvain, Megary, Miller, George B., Miller, Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Server, Simons, Steelling, Thompson, Walsh, Wetherill, Wright, Trego, *President.*

Mr. Megary

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, December 9, 1858.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Epler,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,

Messrs. Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,

Messrs. Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wright,
Trego, *President.*

Mr. G. B. Miller

Presented a Petition from Daniel Mulholland, asking that certain overpaid taxes may be refunded.

Which was referred to the Committee on Finance.

Also,

A Petition for the removal of the Second Precinct House of the Second Ward to the corner of Front and Christian Streets.

Mr. G. B. Miller

Moved to refer the Petition to the Committee on Law.

Mr. Kelley

Moved to amend, that the Petition be laid on the table.

Which was not agreed to.

The motion was agreed to.

Mr. Hutchinson

Presented a Petition for the paving of Pearl Street between Eighteenth and Nineteenth Streets, with tramway.

Which was referred to the Committee on Highways.

Mr. Gordon

Presented a Petition for market-houses in Spring Garden Street, from Eighteenth to Twenty-first Streets.

Mr. Potter

Presented several Remonstrances against the erection of market-houses in Spring Garden Street.

Which were referred to the Committee on Markets.

Also,

The following invitation :

The Managers of the Rosine Association will be pleased to receive a visit from the members of the *Common Council* on the afternoons of Friday, December 10th, or, on Monday, December 13th. The gentlemen can then judge more correctly what are the necessities of the Institution.

By order of the Board of Managers.

HARRIET PROBASCO,

*Secretary.*

And moved that the invitation be accepted.

Which was agreed to.

Also,

A Remonstrance against the reduction of wages of the men employed by the Highway Department.

Which was referred to the Committee on Highways.

Mr. Morris

Presented a Petition for water pipes on Norris Street between Frankford Road and West Street; also, that the same may be graded and curbed.

Which was referred to the Committee on Highways.

Mr. Jones

Presented a Petition from J. D. Sergeant, asking that certain overpaid taxes may be refunded.

Which was referred to the Committee on Finance.

Also,

A Petition for lamps on Ridge Avenue, in the Twenty-first Ward.

Mr. Bowker

Presented a Petition of similar import.

Which were referred to the Committee on Police.

Mr. Hacker

Presented a Petition from H. C. Oram, & Co., asking that certain overpaid taxes may be refunded.

Which was referred to the Committee on Finance.

Mr. Epler

Presented a Petition far a gas lamp at the N. W. corner of Brook and Tammany Streets.

Which was referred to the Committee on Police.

Mr. Gheen

Presented a Petition for water-pipes in Hamilton Street between Thirty-fifth and Thirty-sixth Streets, in the Twenty-fourth Ward.

Which were referred to the Committee on Water Works.

Also,

A Petition for gas pipes on the same street.

Which was referred to the Committee on Gas Works.

Mr. Walsh

Presented a Petition from Beck's Philadelphia Band, asking payment for their services July 5th.

And on leave offered the following Bill, entitled,

AN ORDINANCE

To make an appropriation to the Philadelphia Brass Band.

SECTION 1. That the Select and Common Councils of the City of Philadelphia, do ordain, that the sum of eighty dollars be, and the same is hereby appropriated to pay the Philadelphia Brass Band, for services rendered by them on the 5th day of July last, during the municipal celebration of the eighty-second Anniversary of the Declaration of Independence.

SEC. 2. That the Clerks of Councils be, and they are hereby authorized to draw warrants for the payment of the foregoing appropriation.

Which was referred to the Committee on Retrenchment and Reform.

The President

Submitted the following Communication from the Board of Port Wardens.

WARDENS OFFICE,
*Philadelphia, Dec.* 8, 1858.

*To the Honorable the Select and Common Councils of the City of Philadelphia.*

In pursuance of the Resolution of Select and Common Councils of October 28th, 1858, in reference to the improvements on Wind Mill Island. That the Board of Wardens

be requested to examine the subject, and if found to be of a character likely to effect the navigation of the river Delaware, to take such measures as they may deem necessary to prevent the same.

*Philadelphia, December* 6, 1858.

*To the Board of Wardens of the Port of Philadelphia.*

The Committee to whom was referred the preamble and resolution of Select and Common Councils of October 28, 1858, and hereunto annexed, beg leave to report.

That they have examined the subject referred to in said Preamble and Resolution, and find no extension of piers or improvements on Windmill Island, other than such as the owners thereof would be entitled to erect, within the line of low water mark as defined in the report of a Committee of this Board, adopted November 2, 1857.

By reference to the proceedings of the Board, it would seem that it has ever been their desire to prevent, if possible, any improvement in the nature of wharves being erected upon the Island, for the reason that such improvement might be of a character likely to effect the navigation of the river Delaware, and therefore seriously injure the commerce of the Port of Philadelphia. That such is the unanimous desire of the Board at this time there can be no doubt, but your Committee can find no authority vested in the Board to regulate or control the building of wharves on the Island, so long as the owners confine the building of such wharves within the line of low water mark, as defined in the report of said Committee. All of which is submitted.

WILLIAM DEAL,
RICHARD DONAGAN, } *Committee.*

(Copy)

*Philadelphia, November* 2, 1857.

*To the Board of Wardens of the Port of Philadelphia.*

The Committee to whom was referred the application of G. N. Tatham to define low water line on Wind Mill Island in the river Delaware, report.

That in pursuance of the act of Assembly, 28th of April, 1851, and the order of the Court of Common Pleas, they have so defined said line as will appear by the accompanyiug plan of John Folkrord Esq., and offer the following Preamble and Resolution, at the same time doubting the expediency of the measure for public good.

(Copy) JAMES GOODMAN, SAMUEL MEGARGEE, CHARLES S. PEALL, } *Committee.*

*Whereas*, George N. Tatham by three several petitions, on file in this office, dated respectfully, July 2nd, 1856, August 30th, 1856, September 2nd, 1857, has applied to this Board to define upon Wind Mill Island, at the expense of the applicant, the line of low water mark of that part of his property on said Wind Mill Island, bounded north by the Canal, south by David Warrens lot, east and west by the river Delaware; and whereas, the Board directed John Foulkrod Esq., Engineer and Surveyor, in connection with James Goodman, Samuel Megargee, and Charles S. Peall, members of the Board, to define upon the ground, at the expense of the applicant, the line of low water mark on said Wind Mill Island in the river Delaware under the laws of this Commonwealth, and whereas, the said John Foulkrod, Esq., and the said Committee did on the second day of November, A. D. 1857, report to this Board, that they had defined the said line of low water mark, according to a plan and report then made by them.

Now be it *Resolved*, that the line so surveyed, defined, and described by the said John Foulkrod, Esq., in connection with the said Committee, in the plan, and return so

made to this office on the second day of November, A. D. 1857, is approved by this Board; and the same is hereby declared to be the line of low water mark both on the east and west sides of Wind Mill Island, aforesaid, and bounding the jurisdiction of this Board.

(Attest) DANIEL M. SCHELLINGER,
*Clerk of Board of Wardens.*

Which was referred to the Committee on Wharves and Landings.

Also,

The following Communication from the City Controller.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I hereby transmit to your body, the Estimate of Expense of the Guardians of the Poor, for the year 1859. Also, the Estimate and Receipts of Superintendent of Trusts, for the year 1859, all of which is respectfully submitted.

Very respectfully, yours,

GEO. W. HUFTY,
*City Controller.*

Which were referred to the Committee on Finance.

Also,

The following Communication from the City Solicitor.

LAW DEPARTMENT,
*City of Philadelphia, December* 9, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—A number of suits are now pending against the City for damages, occasioned, as is alleged, by the negligence of the Officers and employees of the City.

In many cases, no doubt, the agents of the City have negligently performed their duty, and the accidents which led to the suits, are in a great degree, the results of their carelessness. But others of these actions are but mere speculations, of which the City Treasury is the object. In a large portion of these suits, the only persons the City can call in her defence, are the Officers and Employees of the City, whose alleged neglect of duty is the foundation of the action; yet under the law of evidence, by reason of their liability over to the City, in case of a recovery against the City, they are not competent witnesses for the City without a release. Those employed as laborers, usually are not men of property, and the City gains nothing by holding them liable, even though they have been guilty of negligence; but in cases where no tortuous acts or negligence can be charged upon them, and the suit is without foundation, it is but just to the City and her employees, that they should have the privilege of relieving the City and exculpating themselves. I have not the power to release for the purpose of rendering a witness competent. It can only be done by Ordinance, or Resolution of Councils. This is often impracticable, especially in suits brought before I became Solicitor, as I do not know the position of witnesses until they appear at the trial, in obedience to a subpœna. This was the case in the suit of Cosgrove *vs.* the City, tried in the Court of Nisi Prius, this week. It was brought to recover damages for injuries sustained by the plaintiff and his horse, occasioned by their falling into an excavation for water pipes, at Franklin Street and Girard Avenue. When I called the witnesses, (workmen at this place,) I found that every one of them was disqualified on the ground of interest in the result of the suit—they being liable over to the City in case of a verdict against her. Not only is it frequently impracticable to call upon Councils for special releases, but it would, as I think, be a useless consumption of your time, and the cause of unnecessary expense in the printing and publication of the required Ordinances and Resolutions. My suggestion is, that by a general Ordinance, I shall be authorized to execute releases on behalf of the City, for the purpose of making the City's agents competent witnesses for her, when I believe it is for the interests of the City it should be done. Of course, where

it is evident that there has been wrongful acts and actionable negligence on the part of the City's Officers and Agents, and it is manifest that a verdict will be rendered against the City for the cause, I will not release, but on the contrary hold them responsible in a suit for any loss the City may suffer by reason of their negligence or misconduct. I, however, submit the matter to you for such action as in your judgment, may best protect the rights and interests of the City therein.

HENRY T. KING,

*City Solicitor.*

Which was referred to the Committee on Law.

Mr. Hacker,

From the Committee on Finance, presented a Report from that Committee, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to pay certain claims of Mandamus Executions and Judgments against the City, and to pay interest on Temporary Loan of 1858."

And moved to proceed to the second reading and consideration of said Bill.

Which was agreed to.

The First Section was read.

Mr. Jones

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

Mr. Hacker

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further Report from the same Committee, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Highways, Bridges, Sewers, and Cleansing the City for the year 1859."

Which was laid on the table, and ordered to be printed.

Mr. Wm. Conrad,

From the Committee on Gas Works, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

providing for lighting, extinguishing, cleansing, and repairing the public lamps." (*See Appendix No.* 38.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

Mr. Mascher

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

Mr. Kelley

Moved to amend by striking out the word "three," and inserting "one."

Which was agreed to.

The First Section as amended, was agreed to.

The Title was read.

Mr. Steelling

Moved to recommit the Bill to the Committee on Gas Works, with instructions to report to Councils the comparative cost of the several systems of lighting gas for the last five years.

Which was agreed to.

Mr. Bullock,

From the Committee on Highways, presented a Report, with two Resolutions annexed, entitled,

1. "Resolution to transfer certain items of appropriation to the Department of Highways."

2. "Resolution to open Twenty-first Street, from Columbia Avenue to Township line Road,"

With a Bill, entitled, "An Ordinance to make a further appropriation to the Department of Highways, &c."

And moved to proceed to the second reading and consideration of the first Resolution.

Which was agreed to.

The first Resolution was read a second time, and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the second Resolution.

Which was agreed to.

The second Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Bill accompanying the Report.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer

From the Committee on Trusts and Fire Department, presented a Report with a Resolution annexed, entitled "Resolution suspending the Philadelphia Engine Company." (*See Appendix No.* 39.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Pugh

Moved to postpone the further consideration of the Resolution for the present.

Which was agreed to.

Mr. Hutchinson

From the Committee on Surveys and Regulations presented a Report with a Resolution, entitled "Resolution authorizing a certain transfer of appropriation to the Department of Surveys, for the year 1859."

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis,

Read in his place and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

Rleating to the Law Department."

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title and the Bill was ordered to be prepared for a third reading.

Mr. Dennis

Moved to suspend the Rules, and read the Bill a third time by Title.

Which was agreed to.

The Bill was read a third time by its Title, and passed.

Mr. Megary

Read in his place and presented to the chair, a Bill, entitled,

"AN ORDINANCE

providing for the payment of Police Officers pay, who have been injured while on duty."

Which was laid on the table and ordered to be printed.

Mr. Megary

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Commissioner of City Property be, and he is hereby directed to inquire on what conditions, (if any,) the City may become the owner of the Hall, commonly known as Carpenters' Hall.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Wetherill

Moved to refer the Resolution to the Committee on City Property.

Which was agreed to.

Mr. Mascher

Moved to proceed to the consideration of the Bill, entitled,

"AN ORDINANCE

declaring Broad Street and other Streets, stands for Market Wagons."

Which was agreed to.

The Bill was read a second time.

Mr. Kelly

Moved to amend by striking out "from Fifth Street to the east side of Tenth," and inserting "South Street from the west side of Sixth Street, to the east side of Broad Street."

Which was agreed to.

Mr. Wildey

Moved to go into Committee of the whole for the purpose of general amendment.

Which was agreed to.

After some time the Committee rose, and the Chair man, Mr. Hacker, Reported the First Section of the Bill, with amendments.

The Report of the Committee was accepted, and the amendments agreed to.

The Fourth Section was read a second time.

Mr. Gordon

Moved to amend by striking out all after the words "Section Four," and inserting the following:

"That immediately after the passage of this Ordinance, the 'Commissioner of Markets' shall proceed to lay out and measure the Streets, reserved for Stands for Market

Wagons, by assigning twelve feet to each wagon, and mark the number of such Stands on the curb-stones. And for for each Stand so occupied by Wagons, the Commissioner of Markets shall charge for each Stand, the sum of $20.00 per annum, and shall issue certificates of rent for each Stand so rented, bearing a corresponding number with that on the curb-stone; and, the said Commissioner shall see that no Wagons for the sale of Farm Produce, or Meat, shall occupy any part of the Street reserved for Market purposes, in this Ordinance, until they have rented Stands; and for every violation of the provision of this Ordinance the parties so offending shall be subject to a penalty for each offence, to be collected as other fines are collected, one half of said fines to go to the Clerk of any Market who shall prosecute, the other half to be paid to the City Treasury, by the Alderman before whom the case is tried.

Which was not agreed to.

The Fourth Section was not agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Mascher and Gordon.

And were as follows:

YEAS:—Baird, Brennan, Bobb, Bowker, Bulloch, Case, Cooley, Cooper, Eckfeltd, Ellis, Fish, Fisher, Gamble, Gay, Haas, Hacker, Handy, Heins, Hodgdon, Holmes, Hunter, Jones, Kelley, Kerr, Krider, Luther, Manuel, McBride, McClean, Megary, Miller Geo. B., Miller Hiram, Mingle, Nippes, Pugh, Riley, Simons, Smedley, Steeling, Thompson, Wagner, Walsh, Wetherill, Wildey, Wright, Trego, *President.*

NAYS:—Brown, Dickinson, Gordon, Kersey, Mascher Morris, Potter.

Yeas, 46. Nays, 7.

So the Bill passed.

Mr. Gordon

From the Committee on Conference, relative to the points of difference between Councils, upon a Bill, entitled,

"AN ORDINANCE

to pay certain Bills contracted by the Guardians of the Poor, in excess of the annual appropriation, and contracted for principally previous to July, 1858, &c." presented a Report. (*See Appendix No.* 40.)

The Report was accepted, and the Committee discharged.

Mr. Gordon

Moved that this Council concur in the amendments of Select Council, as recommended in the report.

Which was agreed to.

A Message was received from Select Council, informing Council that they had passed a Resolution, appointing a Joint Special Committee, to inquire into the expenditures of removing the present Alms House, and providing other accommodatians, in view of a self-supporting Institution, and have appointed on the Committee on the part of Select Council, Messrs. Parker, Foster, and Neal, in which they ask concurrence.

Mr. Luther

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The President appointed the following gentlemen a Committee under the Resolution, Messrs. Luther, Mascher, and Hiram Miller.

Mr. Gamble

On leave offered the following

## Resolution:

*Resolved*, By the Common Council, that a special Committee of five members, be appointed to examine into the contract, for the improvement of Delaware Avenue, as per Ordinance, approved October 22, 1858. And all other contracts and abuses of the Girard Estates, and report at their earliest convenience.

Mr. Hacker

Moved to amend by inserting before the words "Common," the words "Select and," and also after the word "members" the words "from each Chamber."

Which was agreed to.

The Resolution as amended, was adopted.

Mr. H. Miller

Moved that when this Council adjourn, it adjourn until Tuesday evening next at 7 o'clock P. M.

Which was agreed to.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, December* 9, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinance and joint Resolutions have been approved and signed, viz:

On the 27th, ult., a Resolution releasing the sureties of Eugene Ahern.

On the 3rd inst., Resolutions to authorize the paving of certain streets, grading at Girard Avenue, Twenty-fourth Ward, and the erection of a bridge over Creesham Creek.

On the 4th inst., A Resolution releasing the sureties of Edward Ellis and Emanuel Street.

On the 4th inst., An Ordinance making an appropriation to George Lowber, and to the widow of the late Thomas H. Snyder.

On the 4th inst., A Resolution transferring certain items of appropriation to the Police Department.

On the 4th inst., A Resolution authorizing the Mayor to sell certain articles.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Gordon

Moved to proceed to the second reading and consideration of a Resolution from Select Council, entitled, "Resolution transferring certain items of appropriation to the Guardians of the Poor."

Which was agreed to.

The Resolution was read a second time and not agreed to.

A message was received from Select Council informing Council, that they had insisted on the non-concurrence in the amendment of Common Council to Select Councils' Bill, entitled, "An Ordinance requiring the Chief Engineer and Surveyor, to furnish the City Solicitor with measurements and descriptions of Property against which claims are to be filed, and appointed Messrs. Cuyler, Read, and Williams, a Committee of conference in the differences between the chambers, in which they ask concurrence.

Mr. Gordon

Moved that this Council insist on their amendment, and that a Committee of conference be appointed.

Which was agreed to.

The President

Appointed the following gentlemen as a Committee of conference; Messrs. Hutchinson, Wister and Kelley.

Select Council inform Common Council, that they have received a Report from the Committee on City Property, with a Resolution, entitled, "Resolution to transfer an item of appropriation." which they have passed, and ask concarrence.

Also, that they have received a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution to renew the lease of the Girard Pier at Fairmount," which they have passed, and ask concurrence.

Also, that they have received a Report from the Committee on Poor of Select Council, with a Bill, entitled, "An Ordinance to make an appropriation to the Guardians of the Poor for the purposes therein mentioned." which they have passed, and ask concurrence.

Also, that they have passed a Resolution, entitled, "Resolution relative to market stalls and stands in Market Street." in which they ask concurrence.

Also, that they have concurred in the Resolution, entitled, "Resolution to transfer certain items of appropriation to the Department of Highways."

Also, in the Resolution, entitled, "Resolution to open Twenty-first Street from Columbia Avenue to the Township Line Road."

Also, in the Bill, entitled, "An Ordinance to make a further appropriation to the Department of Highways, &c."

Also, in the Resolution to discharge the Committee on Surveys and Regulations, from the further consideration of remonstrances against the contracts for Culverts, opened on the 15th, inst.

Also, in the Resolution, entitled, "Resolution authorizing a certain transfer of appropriation to the Department of Surveys, for the year 1858."

Also, in the Resolution, entitled, "Resolution to authorize the paving of Stiles and other Streets."

Also, in the Resolution, entitled, "Resolution to change certain items of appropriation to the Receiver of Taxes."

Also, in the Resolution, entitled, "Resolution authorizing the Commissioner of Markets to have Reed Street wharf repaired."

Also, in the Resolution, entitled, "Resolution to prepare contracts for the construction of certain Culverts."

Also, in the Bill, entitled, "An Ordinance to make an appropriation to pay certain claims of mandamus executions and judgments against the City, and to pay interest on temporary loans of 1858."

Also, in the Bill, entitled, "An Ordinance to authorize the Commissioner of Markets to pay certain claims."

Also, in the amendments of Common Council to Select Councils' Resolution, entitled, "Resolution to lay water pipes in Tenth and Stocker Streets."

Also, in the amendments of Common Council to Select Councils' Resolution, entitled, "Resolution relative to the Tobacco Warehouse."

Also, in the amendments of Common Council to Select Councils' Resolution, entitled, "Resolution to transfer an item of appropriation and to authorize the painting of the Wire Bridge."

Also, in the amendments of Common Council to Select Councils' Resolution, entitled, "Resolution to transfer an item of appropriation to the Board of Controllers of Public Schools."

Also, that they have concurred in the amendment of Common Council to the amendment of Select Council to Common Councils' Resolution, relative to cleansing the streets of the City."

Mr. Steelling

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## TUESDAY, December 14, 1858.

Council met pursuant to adjournment.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Ketcham, |
| | Brenan, | | Krider, |
| | Bowker, | | Luther, |
| | Brown, | | Manuel, |
| | Case, | | Mascher, |
| | Conrad, William, | | McBride, |
| | Cooper, | | McIlvain, |
| | Day, | | Megary, |
| | Dennis, | | Miller, Geo. B., |
| | Dickinson, | | Miller, Hiram, |
| | Ellis, | | Mingle, |
| | Fish, | | Morris, |
| | French, | | Moyer, |
| | Gamble, | | Nippes, |
| | Gillingham, | | Potter, |
| | Gordon, | | Pugh, |
| | Haas, | | Server, |
| | Hacker, | | Simons, |
| | Handy, | | Smedley, |
| | Heins, | | Thompson, |
| | Hodgdon, | | Uber, |
| | Hutchinson, | | Walsh, |
| | Jones, | | Wetherill, |
| | Kelton, | | Wildey, |
| | Kerr, | | Wister, |
| | Kersey, | | Wright, |

Trego, *President.*

Mr. Fish

Moved to proceed to the consideration of a Bill, entitled, "An Ordinance enforcing obedience to Market Regulations."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Fish

Moved to read the Bill a third time by its Title.

Mr. Mascher

Moved to amend by substituting the following: "That the Bill be re-committed to the Committee on Markets, with instructions meeting the whole requirements of the subject of renting stalls in the market houses of the city.

Which was agreed to.

Mr. Brown

Moved to proceed to the consideration of Bill No. 10 on Select Council file, entitled, "An Ordinance to provide for an alteration in the mode and manner of leasing the Public Wharves and Landings."

Which was agreed to.

The Bill was read a second time.

Mr. Brown

Moved to amend by adding after the words "such place," the words "and time."

Which was agreed to.

Mr. Baird

Moved to amend by adding at the end of the Section the following: "And if no bid is made at such public sale, the Commissioner of Market Houses is hereby empowered to lease said wharves, under the supervision of the Committee on Port Wardens, Public Wharves and Landings."

Mr. Luther

Moved to amend the amendment, and by striking out the words "and best."

Which was not agreed to.

Mr. Gordon

Moved to amend the amendment, by adding the following at the end of the amendment, *Provided*, "that all leases made under this Ordinance shall be subject to the approval of Councils."

Which was agreed to.

The amendment as amended was agreed to.

The Section as amended, was agreed to.

Mr. H. Miller

Moved to strike out "five," and insert "three," and strike out "three," and insert "one."

Which was agreed to.

The Section as amended, was agreed to.

The Preamble was read.

Mr. Brown

Moved to amend by striking out the Preamble.

Which was agreed to.

The Title was agreed to,

And the Bill was ordered to be prepared for a third reading.

Mr. Brown

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr Kelley.

Moved to resume the consideration of a Resolution from Select Council, instructing the Committee on Finance to report a Loan of $221,500, to extend the Water Works, as recommended by the Chief Engineer of the Water Works.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Wetherill

Moved to resume the consideration of Bill No. 4, on Common Council file, entitled,

"AN ORDINANCE

Supplementary to an Ordinance entitled, an Ordinance to regulate Passenger Railways, approved July 7, 1857."

Which was agreed to.

Mr. Wister

Moved to recommit the Bill to the Committee on Railroads.

Which was agreed to.

Mr. Hacker

Moved to resume the consideration of Bill No. 26, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Department of the City Commissioners, to pay certain claims and expenses."

The question being on the pending amendment, offered by Mr. Day on the 2d inst. (*See page* 75.)

Mr Potter.

Moved to recommit the Bill to the Committee on Finance.

Which was agreed to.

Mr Jones.

Moved to proceed to the consideration of the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Police, for purposes therein mentioned."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr Jones.

Moved to read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.

Mr Wetherill.

Moved to proceed to the consideration of Bill, on Common Council file, entitled,

"AN ORDINANCE

repealing an Ordinance relative to Vaccine Physicians, and requiring the Out-door Physicians elected by the Guardians of the Poor, to perform that duty."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Fourth Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr Wetherill.

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr Gordon.

Moved to proceed to the consideration of Bill No. 10 on Common Council file, entitled,

"AN ORDINANCE

to authorize the Commissioner of City Property, to make certain alterations and repairs in the Public Buildings."

Which was agreed to.

The Bill was read a second time.

Mr. Gordon.

Moved to strike out the second clause, from line eight to line eleven inclusive.

Which was not agreed to.

Mr Potter.

Moved to refer the Bill to the Committee on City Property.

Which was agreed to.

Mr Hacker.

Moved to resume the consideration of a Resolution from Select Council, entitled, "Resolution releasing the Mine Hill and Schuylkill Haven Railroad Company, from certain damages."

The President.

Submitted the following invitation.

*Philadelphia, December* 14, 1858

SIR:—The Trustees of the Hibernia Steam Fire Engine, request the attendance of yourself and the members of the body over which you preside, to witness the trial of the said Engine, on Thursday next, at half past two o'clock P. M. in front of the Custom House, Chestnut Street.

We have the honor to be,

Respectfully your obedient servants.

DAVID JAYNE,
JACOB BENNET,
JOHN EISENBREY, JR.
GEORGE GRISCOM,
WILLIAM WOODSIDE,
CALEB S. WRIGHT,

To C. B. TREGO, ESQ.,
*President of Common Council.*

Mr. Mascher

Moved that the invitation be accepted.

Which was agreed to.

Mr. Dennis

Moved a call of the house, when the following gentlemen answered to their names:

Messrs. Baird, Brenan, Bowker, Brown, Case, Cooper, Dennis, Dickinson, Ellis, Fish, French, Hacker, Handy, Heins, Hodgdon, Hutchinson, Kelton, Kerr, Kersey, Ketcham, Krider, Luther, Manuel, Mascher, McIlvain, Megary, Miller Geo. B., Miller Hiram, Mingle, Morris, Nippes, Potter, Pugh, Simons, Smedley, Thompson, Uber, Walsh, Wetherill, Wister, Trego, *President.*

Mr. Mascher

Moved to adjourn.

Which was agreed to.

And Council adjourned.

18

## THURSDAY, December 16, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Comley,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gay,
Gillingham,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
M'Cahen,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,

| | |
|---|---|
| Messrs. Morris, | Messrs. Smedley, |
| Moyer, | Steelling, |
| Nippes, | Thompson, |
| Potter, | Uber, |
| Pugh, | Wagner, |
| Rothermel, | Walsh, |
| Rubicam, | Wetherill, |
| Server, | Wildey, |
| Schoch, | Wister, |
| Simon, | Wright, |

Trego, *President.*

The President

Submitted the following Communication:

At a Special Meeting of the Board of Directors of the Pennsylvania Institution for the Deaf and Dumb, held on the fifteenth day of December, 1858, the following Resolutions were adopted, viz:

*Resolved*, That in the opinion of this Board, the making Broad Street, between Spruce and Pine Streets, a stand for market wagons, would be seriously detrimental to this Institution.

*Resolved*, That the Secretary be instructed to communicate the action of the Board to the Select and Common Councils.

From the Minutes.

JAMES J. BARCLAY,

*Secretary Pennsylvania Institution for Deaf and Dumb.*

Which was laid on the table.

Also,

The following Communication:

*Philadelphia, December* 16, 1858.

*To the President and Members of the*
*Common Council of Philadelphia.*

GENTLEMEN:—Your immediate attention and action

is very respectfully requested on two Resolutions of transfer of Items for the Department of Poor, one of which passed Select Council, being transfer from Items 96 and 69, of $1938 80 to several Items therein mentioned, and the other will be found on page 57 of Journal of Select Council.

The parties holding bills against this Department, of all items above mentioned, are anxiously enquiring, time after time, as to the position of their acts.

In case the transfers are not made, a very heavy extra appropriation will have to be made next year to pay these bills, and the appearance will be as if all the appropriation now on hand had been used for purposes of this Department. Whereas said transfers, and others yet required, will if made, not quite use up the present appropriation and leave a small amount of bills for next year. The Board of Guardians approved of the said transfers. Trusting your wisdom will pass the same at once, and release this Department, I remain

Your obedient servant,

I. R. DEACON,

*Secretary Board of Guardians of the Poor.*

Which was laid on the table.

Mr. Megary

Presented a claim of Lafferty & McConnell, for $52 50 for paving stones.

Which was referred to the Committee on Claims.

Mr. Kelley

Presented a Petition for water pipes in Catharine Street, between Seventeenth and Twentieth Street.

Which was referred to the Committee on Water Works.

Mr. Hacker

Presented a Communication from the High Sheriff Wm. H. Kern, asking for an appropriation to pay for repairs in the Sheriff's office.

Which was referred to the Committee on City Property.

Mr. Pugh

Presented a Petition for a gas lamp in Magaret Street, between Eleventh and Twelfth.

Which was referred to the Committee on Police.

Mr. Kersey

Presented a Petition of a Committee of coal dealers, asking for the enactment of an Ordinance anthorizing the erection of public scales.

Which was referred to the special Committee on that subject.

Mr. Potter

Presented a Petition from John M'Makin asking the City to purchase certain improvements on Chestnut Street Wharf.

Which was referred to the Committee on Wharves and Landings.

Mr. Gay

Presented a Petition for a Culvert on Huntington Street, from Lemon to Amber Street and Frankford Road.

Which was referred to the Committee on Surveys.

Mr. Brown

Presented a Petition for gas lamps in Franklin Avenue Markets.

Which were referred to the Committee on Police.

Mr. Jones

Presented a Petition for gas lamps on School Lane in the Twenty-first Ward.

Which was referred to the Committee on Police.

Mr. Heins

Presented a Remonstrance against making Broad Street, from Spruce to Pine Streets, a stand for market wagons.

Which was referred to the Committee on Markets.

Mr. Manuel

Presented a Communication from the City Controller, enclosing the estimate of the expense of Will's Hospital, for the year 1859.

Which was referred to the Committee on Finance.

The President

Announced that he had appointed the following gentlemen, on the Committee under the Resolution adopted to appoint a special Committee to investigate certain alleged abuses in the administration of the Girard Trust, to wit: Messrs. Gamble, Hodgdon, Cooper, Handy, and Pugh.

Mr. Hacker

From the Committee on Finance, presented a Report with a Resolution annexed, entitled "Resolution authorizing the release of certain property of Geo. W. Simons." (*See Appendix, No.* 43.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to

The Resolution was read a second time and adopted.

Also,

A further Communication from the same Committee, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Controller, and to refund certain over-paid Taxes." (*See Appendix, No.* 44.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the Rules, and read the Bill a third time by Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Wm. Conrad

From the Committee on Gas Works, presented a Report in reference to lighting the City. (*See Appendix No.* 45.)

Which was laid on the table.

Also,

A reply of the Trustees of the Philadelphia Gas Works to certain interrogatories of Councils of December 7. (*See Appendix No.* 46.)

Which was laid on the table.

Also,

A further Report from the Committee on Gas Works, upon the subject of Lighting, Extinguishing, Cleansing, and Repairing the Public Lamps. (*See Appendix No.* 47.)

The same gentleman

Moved to proceed to the second reading and consideration of Bill entitled,

"AN ORDINANCE

providing for Lighting, Extinguishing, Cleansing, and Repairing the Public Lamps."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Conrad

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs, Steelling and Potter.

And were as follows:

YEAS:—Baird, Brennan, Bobb, Comly, Conrad Wm., Cooley, Day, Fish, French, Gay, Hacker, Handy, Harbert,

Heins, Kelley, Kerr, Krider, Manderfield, Mascher, McBride, McCahen, McClean, McIlvain, Megary, Rubicam, Simons, Smedley, Thompson, Walsh, Wetherill, Trego, *President.*

NAYS:—Bowker, Brown, Bulloch, Case, Cattell, Cooper, Dennis, Doerr, Dickinson, Eckfeltd, Fisher, Gamble, Gheen, Gillingham, Haas, Hodgdon, House, Hutchinson, Jones, Kelton, Kersey, Ketchum, Luther, Manuel, Miller Geo. B., Miller Hiram, Mingle, Morris, Moyer, Potter, Pugh, Rothermel, Server, Schoch, Steeling, Uber, Wagner, Wildey,

Yeas, 31, Nays, 38,

So the Bill was not agreed to.

Mr. Bullock,

From the Committee on Highways, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

authorizing the construction of a certain Culvert in the Eighth Ward, (*See Appendix, No.* 48.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read a second time.

Mr. Baird

Moved to refer the Bill to the Committee on Surveys.

Which was agreed to.

Mr. Jones,

From the Committee on Police, presented a Report

with a Resolution annexed, entitled, "Resolution transferring certain items of appropriation to the Police Department, (*See Appendix, No.* 49.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr Moyer,

From the Committee on Trusts and Fire Department presented the estimates of the expenses of the Department of Trusts, for the year 1859, approved by that Committee.

Which was referred to the Committee on Finance.

Also,

A Resolution, entitled, "Resolution to transfer an item of appropriation to the Will's Hospital, (*See Appendix, No.* 50.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee, with a Bill, entitled,

"AN ORDINANCE

to make an appropriation for the support of the Steam Fire Engine Diligent, (*See Appendix, No.* 51.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

Mr. Dickinson

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules, and read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.

Mr Hutchinson,

From the Committee on Surveys &c., presented a Report with a Resolution annexed, entitled, "Resolution approving the plans for the Chesnut Street Bridge, (*See Appendix, No.* 52.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time, when

Mr. Hutchinson

Moved that its further consideration be postponed for the present.

Which was agreed to.

Mr. Dennis

From the select Committee to investigate the contract with John Jones, for supplying beef and mutton to the Philadelphia Almshouse, presented a Report signed by a majority of the Committee, with two Resolutions annexed, entitled, "Resolutions relative to a certain contract of John Jones with the Guardians of the Poor." (*See Appendix, No.* 53.)

Also,

A Report signed by a minority of the same Committee with three Resolutions annexed, entitled, "Resolutions relative to a certain contract of John Jones, with the Guardians of the Poor," (*See Appendix, No.* 54.)

And moved to proceed to the second reading and consideration of the Resolutions of the majority report.

Which was agreed to.

The first Resolution was read a second time.

Mr. Dennis

Moved to amend by striking out all after the word "Resolved," and insert the first Resolution in the minority report.

On this motion the yeas and nays were demanded by Messrs. H. Miller, and Walsh,

And were as follows:

YEAS.—Messrs. Bullock, Case, Cattell, Comly, Con-

rad Osborn, Cooley, Cooper, Dennis, Dickinson, Eckfeldt, Fish, Fisher, French, Gay, Gheen, Gillingham, Haas, Hacker, Heins, Hodgdon, House, Jones, Kelley, Kelton, Kersey, Ketchum, Krider, Luther, Manderfield, Mascher, McBride, McCahen, McIlvain, Megary, Miller Geo. B, Morris, Moyer, Nippes, Pugh, Rothermel, Server, Schoch, Thompson, Walsh, Trego, *President.*

NAYS.—Messrs. Brenan, Bobb, Bowker, Day, Doerr, Ellis, Gordon, Handy, Kerr, Miller Hiram, Potter, Smedley, Steelling, Wagner, Wetherill, Wildey, Wister, Wright.

Yeas 45. Nays 18.

The Amendment was agreed to.

The Resolution, as amended, was adopted.

Mr. Kelley

Moved that Council take a recess, for half an hour.

Which was not agreed to.

Mr. Dennis

Moved to amend the second Resolutlon by striking out all after word "Resolved," and inserting the "Third Resolution in the minority Report."

Mr. Mascher

Moved to amend by adding the following as a proviso:

*Provided.* "That the City Controller be, and he is hereby directed to countersign any and all Warrants for supplies which may have been furnished by the said John Jones, to the Almshouse, as per his contract, up to the date of the passage of this Resolution, and for all accruing Claims of the said John Jones, under the said contract up to the 31st day of December, 1858, and no longer."

Which was agreed to.

The amendment was agreed to.

The Resolution, as amended, was adopted.

The Title was adopted.

Mr. Mascher,

From the Committee of Conference on the Resolution expelling the Moyamensing Hose, presented a Report, recommending the adoption of the Resolution as passed by Select Council, suspending that Company from the Fire Department for four months from the date of the original suspension by the Chief Engineer of the Fire Department. (*See Appendix, No.* 55.)

And moved that the Report be accepted, and that Council concur in the amendments of Select Council to the Resolution.

Which was agreed to.

Mr. Manuel

Offered the following

## Resolution:

*Preamble.*—In order that Councils shall have the necessary information in reference to the cost of Lighting the City by Contract, or otherwise, during previous corresponding periods, therefore,

*Resolved*, That the Ordinance relating to the renewal of the contract with the Trustees of the Philadelphia Gas Works, for Lighting the City, be referred to a Special Committee of five members of the Chamber, and that the said Committee have power to send for persons, books, and papers, and to report the most economical plan to Councils, accompanied by a statement of the cost thereof, during previous corresponding periods, by contract or otherwise. And that the Communication from the said Trustees, in answer to certain interrogatories, and other matter therein contained, with all other matter that pertains thereto, be also

so referred, and the said Committee Report to this Chamber the result of their investigation.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Cooley

Moved to amend by inserting after the word "Resolved," the words, "By the Select and Common Councils," and inserting before the word "Special," the word "Joint."

Which was not agreed to.

The Resolution was adopted.

The President

Announced that he had appointed Messrs. Manuel, Potter, Day, Wildey, and Jones, the Committee under the Resolution.

A message from Select Council, informed that they had passed the Bill, entitled,

"AN ORDINANCE

expressing the consent of Councils to the construction, by the Fairmount and Arch Street City Passenger Railroad Company, of railway tracks upon Arch, Twenty-first and Twenty-second Streets." Notwithstanding the veto of the Mayor."

And respectfully ask concurrence.

Mr. Dennis

Moved that this Council proceed to the consideration of the Message of the Mayor, and the Bill referred to.

Which was agreed to.

The Message of the Mayor was read, and on the question

"Will the Council agree to pass the Bill, notwithstanding the objections of the Mayor?"

The yeas and nays were ordered in conformity with law,

And were as follows, to wit:

YEAS:—Messrs. Brennan, Bobb, Brown, Bullock, Cattell, Comly, Conrad Wm., Cooley, Cooper, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Gay, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Hutchinson, Jones, Kelton, Kerr, Krider, Luther, Manderfield, Manuel, Mascher, McBride, M'Cahen, Mc Ilvain, Megary, Miller Geo. B., Miller Hiram, Morris Moyer, Potter, Pugh, Rothermel, Rubicam, Server, Simons, Thompson, Uber, Walsh, Wildey, Wister, Wright, Trego, *President*,

NAYS:—Messrs. Bard, Bowker, French, Gamble, Kelley, Ketchum, Nippes, Smedley, Steeling, Wagner, Wetherill,

Yeas, 56. Nays, 11.

Two thirds of the members having voted in the affirmative, the Bill was passed finally, notwithstanding the objections of the Mayor.

Mr. Hacker

Offered the following

## Resolution:

*Resolved*, That when Common Council adjourn, it be to meet on Wednesday Evening, 22nd, at six o'clock, to

consider the appropriation Bills for 1859, and other business if time allows.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Kelley

Moved to amend by striking out "six," and inserting "three."

Which was not agreed to.

The Resolution was adopted.

A message was received from Select Council, informing Council that they had received a Report from the Committee on City Property, with Resolutions, entitled, "Resolutions relative to the Lease of the Tobacco Warehouse, Insurance of City Property, and Public Records," which they had passed, and ask concurrence.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The Resolutions were read a second time.

The First Resolution was adopted.

The Second Resolution was adopted.

The Third Resolution was adopted.

The Title was adopted.

So Common Council concurred.

A message from Select Council informed that they had received a Report from the Committee on Railroads, with a Bill annexed, entitled,

"AN ORDINANCE

authorizing the Second and Third Street Passenger Railway Company to construct a railway along Jefferson Street and Oxford Street," which they have passed, and ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First and only Section was read.

Mr. Pugh

Moved to commit the Bill to the Committee on Railroads from this chamber.

Which was not agreed to.

The same gentleman

Moved to adjourn.

Which was not agreed to.

The same gentleman

Moved to postpone the Bill for two weeks.

On this question the yeas and nays were demanded by Messrs. Pugh and Manuel,

And were as follows:

YEAS:—Messrs. Conrad Osborn, Fisher, Gamble, Kelley, Manuel, Mascher, McIlvain, Megary, Morris, Nippes, Pugh,

NAYS:—Messrs. Baird, Brenan, Bobb, Brown, Bullock, Cooley, Day, Dennis, Doerr, Dickinson, Ellis, Fish, French, Gay, Gillingham, Hacker, Handy, Harbert Heins, Hodgdon, Kelton, Kerr, Ketchum, Krider, Luther, Manderfield, McBride, Miller Geo. B., Potter, Rothermel, Smedley, Steelling, Thomson, Uber, Wagner, Wildey, Trego, *President*,

Yeas, 11. Nays, 37.

The motion was not agreed to.

The First and only Section was agreed to.

The Title was agreed to.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

On this question the yeas and nays were demanded by Messrs. Pugh and Megary.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Brown, Bullock, Cattell, Comly, Cooley, Day, Dennis, Doerr, Dickinson, Ellis, Fish, Fisher, French, Gay, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Kelton, Kerr, Ketchum, Krider, Luther, Manderfield, McBride, Miller Geo. B., Potter, Rothermel, Schoch, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wildey, Trego, *President.*

NAYS:—Messrs. Mascher, Nippes.

Yeas, 44. Nays, 2.

So the motion was agreed to.

The Bill was read a third time, and passed finally.

The following Message was received from the Mayor :

MAYOR'S OFFICE,
*Philadelphia, December* 16, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz.:

On the 10th inst., "A Resolution to notify the property owners on Haverford Street, to grade footways, and to authorize the grading of certain Streets."

On the 13th inst., "A Resolution to transfer certain Items of Appropriation to the Inspectors of the County Prison."

On the 13th inst., "A Resolution, authorizing the Commissioner of Markets to have Reed Street Wharf repaired."

On the 13th inst., "An Ordinance, to authorize the Commissioner of Markets to pay certain Claims."

On the 13th inst., "A Resolution, to change Items of Appropriation to the Receiver of Taxes."

On the 13th inst., "A Resolution, to authorize the paving of Stiles and other Streets."

On the 13th inst., "A Resolution, authorizing a certain transfer of Appropriation to the Department of Surveys, for the year 1858."

On the 13th inst., "A Resolution, to open Twenty-first Street, from Columbia Avenue to the Township Line. Road."

On the 13th inst., "A Resolution, to transfer certain Items of Appropriation to the Department of Highways."

On the 14th inst., "An Ordinance to make a further Appropriation to the Department of Highways, &c."

On the 14th inst., "An Ordinance, for the repair of a small Bridge and a Road in the Twenty-third Ward."

On the 14th inst., "An Ordinance, to make an Appropriation to pay certain Claims of Mandamus, Executions, and Judgments against the City, and to pay Interest on Temporary Loan of 1858.

On the 15th inst., "A Resolution, relative to cleansing the Streets of the City.

On the 16th inst., "An Ordinance, to pay certain Bills, contracted by the 'Guardians of the Poor,' in excess of the Annual Appropriations, and contracted for principally, previous to July, 1858."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

A Message was received from Select Council, informing Common Council that they have received a Report from the Committee on Water Works, with a Bill, entitled, "An Ordinance to extend the iron main on the Frankford Road, from Westmoreland Street to Harrison Street, and to make an appropriation for the same," which they have passed, and ask concurrence.

Also, a Report from the Committee on Water Works, with a Bill, entitled, "An Ordinance to make an appropriation to the Department for supplying the City with water," which they have passed, and ask concurrence.

Also, a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution to pay certain bills," which they have passed, and ask concurrence.

Also, a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution to transfer certain items of Appropriation to the Department for supplying the City with water," which they have passed, and ask concurrence.

Also, a Report from the Committees on Water Works and City Property, with a Resolution, entitled, "Resolution to authorize the sale of a certain lot of ground belonging to the City," which they have passed, and ask concurrence.

Also, a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution explanatory of a Resolution passed March 15, 1858," which they have passed, and ask concurrence.

Mr. Kelley

Presented a Petition for Lamps at Eleventh Street and Washington Avenue.

Which was referred to the Committee on Police.

Mr. Hacker

Presented a Communication from the Receiver of Taxes, asking for a certain transfer of appropriation.

Which was referred to the Committee on Finance.

Mr. Manuel

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## WEDNESDAY December 22, 1858.

Council met pursuant to adjournment.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Kelley, |
| | Brenan, | | Kerr, |
| | Bowker, | | Kersey, |
| | Brown, | | Krider, |
| | Case, | | Luther, |
| | Cattell, | | Manderfield, |
| | Conrad, Osborn, | | Manuel, |
| | Cooley, | | Mascher, |
| | Day, | | McBride, |
| | Dennis, | | Megary, |
| | Dickinson, | | Miller, Geo. B., |
| | Eckfeldt, | | Mingle |
| | Fish, | | Morris, |
| | Fisher, | | Moyer, |
| | French, | | Nippes, |
| | Gamble, | | Potter, |
| | Gay, | | Pugh, |
| | Gheen, | | Riley, |
| | Gillingham, | | Server, |
| | Gordon, | | Simons, |
| | Haas, | | Smedley, |
| | Hacker, | | Steelling, |
| | Handy, | | Thompson, |
| | Heins, | | Wagner, |
| | Hodgdon, | | Walsh, |
| | House, | | Wetherill, |
| | Hutchinson, | | Wildey, |
| | Jones, | | Wister, |

Trego, *President.*

Council then resumed the consideration of the Resolution from Select Council, entitled, "Resolution to transfer an item of appropriation."

The Resolution was again read and adopted.

So Common Council concurred.

Mr. Luther,

Seconded by Mr. Mascher, moved to reconsider the vote on the final passage on the Bill from Select Council, entitled,

"AN ORDINANCE

providing for the lighting, extinguishing, cleansing and repairing the public lamps."

Which was agreed to.

The question recurring on the final passage of the Bill,

Mr. Luther

Moved that the further consideration of the Bill be postponed.

Which was agreed to.

Mr. Wister

On leave, offered the following

## Resolution:

To transfer an Item of appropriation to the Law Department.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Controller be, and he is hereby authorized to transfer from "Item 4" Sheriffs' costs,

to "Item 3," the sum of four hundred dollars, and to "Item 5," the sum of one hundred dollars, and to "Item 10," the sum of one hundred dollars, from the appropriation contained in the Ordinance approved December 31, 1857, entitled, "An Ordinance to make an appropriation for the expenses of the Law Department, for the year 1858."

Which was read and referred to the Committee on Finance.

Mr Hacker.

Moved to proceed to the second reading and consideration of Bill No. 32, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Controller for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

The same gentleman

Moved to proceed to the second reading and consideration of Bill No. 34, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Department of the City Treasury, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

The same gentleman

Moved to proceed to the second reading and consideration of Bill No. 35, entitled,

"AN ORDINANCE

to make an appropriation to the Department of the Receiver Taxes, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

The same gentleman

Moved to proceed to the second reading and consideration of Bill No. 36, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation for the use of the Trustees of the

City Ice Boat, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section was read.

Mr. Mascher

Moved to amend, by striking out the words "five thousand," in second Item, "for fuel," and inserting "four thousand."

Which was not agreed to.

Mr. Kelley

Moved to amend, by adding at the end of the Section the following,

*Provided*, "That all the Fuel, Provisions, Beds, and Bedding, and other supplies, provided for in this Section, shall be obtained by contract; the contracts to be given to the lowest bidder."

Which was agreed to.

Mr. Cooley

Moved to further amend by striking out the words "three thousand," in the first Item, and inserting "two thousand."

Mr. Kelly

Moved to amend the amendment, by inserting "five thousand."

Which was not agreed to.

The amendment was not agreed to.

Mr. Gordon

Moved to amend by striking out "five hundred," and

inserting "two hundred and fifty," in Item 6, "Insurance," &c.

Which was not agreed to.

The same gentleman

Moved to amend, by adding at the end of the proviso, the following;

*And Provided further*, That all expenditures made under this Ordinance, shall be made under the superintendence of the "Committee on City Property."

Which was not agreed to.

The First Section was agreed to as amended.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The bill was read a third time and passed.

Mr. Kelley,

On leave, presented a communication from William Carlisle, relative to the removal of the Precinct House of the Seventh Division of the Fifth Ward.

Which was referred to the Committee on Law.

Mr. Pugh,

On leave, offered the following

## Resolution:

*Resolved*, That the Committee on Police be instructed to inquire into the expedency of constructing a Culvert or

Drain, leading from the Station House, in the Eighth Police District, to connect with the Culvert along Brandywine Street.

Which was referred to the Committee on Surveys.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 28, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Property, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

Mr. Kelley

Moved to amend by inserting in Item 9, the following.

"And for placing additional gas lamps in Jefferson Square, five hundred dollars; and for placing gas lamps in Logan Square, according to the original plan on which the gas pipes are laid; and for placing gas lamps in Rittenhouse Square, and on the North side of Fairmount, the sum of fifteen hundred dollars."

Mr. Handy

Moved to amend the amendment by adding, "and for placing gas lamps in Penn Square, one thousand dollars."

Which was not agreed to.

The amendment was not agreed to.

Mr. Potter

Moved that the Bill be referred to a Committee of the whole for general amendment.

Which was agreed to

The Chamber then resolved itself into a Committee of the whole, on said Bill, Mr. Gordon in the chair.

After some time, the Committee rose, and by its Chairman, Reported the Bill with an amendment.

Mr. Mascher

Moved that Council adjourn.

Which was agreed to.

And Council adjourned.

THURSDAY, December 23, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Harmer,
Messrs. Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Quinn.

Messrs. Riley,
Roats,
Rothermel,
Rubicam,
Savage,
Server,
Schoch,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,

Trego, *President.*

Mr. Server

Presented a Petition for gas pipes on Wharton Street, between Sixth and Seventh Streets.

Mr. Brenan

Presented a Petition from Margaret Vandever, for a release of taxes on a certain property on Mary Street.

Which was referred to the Committee on Law.

Mr. French

Presented a claim from Samuel Sloan, for services as Architect for New City Hospital.

Which was referred to the Committee on Claims.

Mr. Harmer

Presented a Petition for public lamps on Martin and Chestnut Streets, Twenty-second Ward.

Which was referred to the Committee on Police.

Mr. Brown

Presented an estimate of the expenses of the Department of Wharves and Landings for 1859.

Mr. Fish

Presented an estimate of the expenses of the Department of Market Houses for 1859.

Which were referred to the Committee on Finance.

Mr. Hacker,

From the Committee on Finance, presented a Report,

with a Resolution annexed, entitled, "Resolution relative to certain trusts." (*See Appendix, No.* 56.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee, with a Bill annexed, entitled,

"AN ORDINANCE

to authorize a loan for the extension of the Water Works."

Together with a Resolution authorizing the publication of the same, in conformity with law. (*See Appendix No.* 57.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also

A further Report from the same Committee with a Resolution annexed, entitled a Resolution to change certain items of appropriation to the Receiver of Taxes. (*See Appendix, No.* 58.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee with Bill annexed, entitled,

"AN ORDINANCE

to make an additional Appropriation to the Clerks of Councils." (*See Appendix No.* 59.)

And moved to proceed to the Second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

Mr. Gordon

Moved to strike out item 6, "for recording Odinansce, &c., six hundred dollars."

Which was agreed to.

Mr. Potter

Moved to postpone the further consideration of the Bill.

Which was agreed to.

Mr. Hacker

Moved that the Committee on Finance be discharged from the further consideration of the "Resolution to transfer an item of appropriation to the Law Department," referred to them at the last meeting of Council.

Which was agreed to.

The Resolution was then read a second time and adopted.

The same gentleman

From the Committee on Finance, presented a further Report from that Committee, with the Bill entitled,

"AN ORDINANCE

to make an appropriation to the Department of the City Commissioners to pay certain claims and expenses, as recommitted to the Committee, and moved to proceed to the further consideration of said Bill." (*See Appendix No.* 60.)

Which was agreed to

The first section was read.

Mr. Hacker

Moved to amend by adding Item 19, Witness fees, three hundred dollars, also, to amend Item 20, by striking out "eight hundred," and inserting "one thousand and ninety four; also to amend Item 21, by striking out "eight hundred" and inserting "eleven hundred and seventy-six," also to strike out Item 22, "fees of the Sheriff, one thousand dollars."

Which was agreed to.

The same gentleman

Moved further to amend by adding to Item 51, "and for expense of printing Court Calender of Quarter Sessions, seven hundred dollars."

Mr. Wister

Moved to amend the amendment, by striking out "700" and inserting "$500."

Which was not agreed to.

Mr. Jones

Moved to amend the amendment, by striking out "700," and inserting "400."

The amendment was not agreed to.

Mr. H. Miller

Moved to amend by striking out Items 4, 17, 44, 48, 51, 65.

Which was agreed to,

Mr. Hacker

Moved to amend the first clause, by striking out "ten thousand one hundred and forty-eight dollars," and inserting "six thousand nine hundred and ninety-three dollars,"

Which was agreed to,

The First Section as amended, was agreed to,

The Second Section was agreed to,

The Title was agreed to,

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to read the Bill a third time by its Title,

Which was agreed to,

The Bill was read a third time and passed,

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, December* 23, 1858,

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I return, without my signature, the Joint Resolution, entitled, "A Resolution to prepare contracts for the construction of certain Culverts."

The specifications, which by such Resolution the City Solicitor is directed to insert in the several contracts therein provided for, is, so far as I am aware, without precedent in our municipal legislation.

All matters of dispute that may arise between the several contractors and the City of Philadelphia, relative to the meaning of the terms of their agreements, might, with great propriety, be submitted by both parties, to the decision of the Chief Engineer and Surveyor; but it is certainly inexpedient that the City should "waive any rights of action, suit, or suits, or other remedy in law or otherwise" by virtue of the covenants to be entered into, and make the decision of any individual conclusive upon its liability.

In the construction of the proposed Culverts, Claims might arise under certain contingencies, involving much

larger amounts than the contract price—which Claims, under mistaken views, might be allowed by the Chief Engineer, and the City thus become bound for their payment, without the possibility of review or appeal.

The power contemplated in the Resolution could no where be vested with greater propriety, than in the Chief Engineer and Surveyor, but the precedent thus established might not always be followed with equal safety to the interests of the City.

As I entertain doubts whether the City has the power to waive the legal incidents to its contracts, I am unable to approve such Joint Resolution.

Very respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Wister

Moved to reconsider the Bill.

Which was agreed to.

Mr. Hacker

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Also,

The following Communication:

MAYOR'S OFFICE,
*Philadelphia, December* 23, 1858.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I transmit for your consideration, the

accompanying communication addressed to me by the President of the Sunbury and Erie Rail Road Company.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

OFFICE OF THE
SUNBURY AND ERIE RAIL ROAD COMPANY,
*Philadelphia Decewber* 20, 1858.

HON. ALEXANDER HENRY,
*Mayor of Philadelphia.*

SIR:—By a provision of the Act of the General Assembly of this Commonwealth authorising municipal corporations to subscribe to the capital stock of the Sunbury and Erie Rail Road Company, the Councils of Philadelphia are entitled to elect three Directors to represent the City in the management of its affairs. The day is near when that election will probably be made, and it is supposed that some information respecting an enterprise in which all the business interests of this community are concerned, may not, at this time, be unacceptable to the Councils and tax payers of Philadelphia. I therefore, through you, beg leave to present to them a brief, general statement of the condition and prospects of this Company.

For a long time after the City had become a subscriber to the stock, and until within a very few months, it was a doubtful question whether the Company would finish its work, or sink into hopeless insolvency. The whole amount of capital stock paid in, was less than four millions of dollars, no further subscriptions could be obtained from any source, and it was impossible under such circumstances to obtain loans on the credit of the Company to supply the deficiency.

I have now the satisfaction to inform you that the Act of Assembly of the 21st of April last, entitled, "An Act for the sale of the State Canals," has enabled the managers not only to remove that doubt, but to assure the Stockholders that the Company with its present means and resour-

ces, with the additional subscription required by that Act, will be able by judicious management, to complete the whole line of road, from Sunbury to the Harbor of Erie. The resources applicable to that purpose represent a cash basis of about six millions of dollars, an amount sufficient to finish the work.

Since the 19th of May last, there has been expended on the work $680,263 77, and about seventy miles of grading and bridging have been completed on the Eastern and Western Sections. By the first of May next, the line from Erie to Warren, a distance of 66 miles; and from Williamsport to the mouth of the Sinnemahoning River, a distance of 68 miles will be ready for the rails. There will then remain to be graded and bridged that part of the line which lies between Warren and the Sinnemahoning, a distance of about 90 miles. New explorations and surveys present the gratifying fact, that this portion of the road may be consttucted at a cost of at least two millions of dollars below all former estimates. There will not be required more than one tunnel on the whole line, nor any gradient exceeding fifty-three feet to the mile, and the entire work may be finished within two years from 1st January next.

All that is now required to obtain these desirable results is, that the affairs of the Company shall be properly conducted. To that end I cannot but invoke the cordial co-operation of the Councils of Philadelphia, so far as it can be secured by a proper discrimination in the election of Directors to represent the municipality in the Board of Managers. The credit of every such corporation depends in no small measure upon the personal standing of those who conduct its affairs; and I am sure that all intelligent persons will concur in the opinion that an interest of $2,250,000, the amount invested by the City in this great work, ought to ensure the selection of men of the intelligence and character best calculated to promote the success of the undertaking.

I have the honor to be, your ob't serv't,

WM. G. MOORHEAD,

*President Sunbury & Erie R. R. Co.*

Which was laid on the table.

Mr. Hacker

Moved to proceed to the second reading and consideration of a Resolution from Select Council entitled, "Resolution relative to Market Stalls and Stands in Market Street."

Which was agreed to.

Mr. Mascher

Moved to add, "nor rent any Stalls in the Broad and Race Street Market, after 1st of January, 1859."

Which was not agreed to.

Mr. Gordon

Moved to adjourn.

On this motion the yeas and nays were demanded by Messrs. Gordon and Mascher.

And were as follows:

YEAS:—Messrs. Bowker, Conrad Osborn, Fisher, Holmes, Jones, Nippes, Pugh, Wildey.

NAYS:—Baird, Brenan, Bobb, Cattell, Conrad William, Cooley, Day, Ellis, Eckfeldt, Fish, French, Gay, Gheen, Hacker, Heins, Hodgdon, Kersey, Ketcham, Luther, Manderfield, Manuel, McBride, Megary, Miller Geo. B., Milier Hiram, Potter, Riley, Savage, Server, Smedley, Steelling, Thompson, Wagner, Wetherill, Wister, Trego, *President.*

Yeas, 8, Nays, 36,

So the motion was not agreed to.

Mr. Kelly

Moved to postpone the further consideration of the Resolution for the present.

Which was not agreed to.

The question recurring on the passage of the Resolution, the yeas and nays were demanded by Messrs. Kelly and Pugh.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Cattell, Conrad Wm., Cooley, Day, Doerr, Eckfeldt, Ellis, Fish, French, Gay, Gheen, Hacker, Heins, Hodgdon, Kersey, Ketcham, Luther, Manderfield, Manuel, McBride, Megary, Miller Geo. B., Miller Hiram, Potter, Riley, Savage, Smedley, Steelling, Thompson, Wagner, Wetherill, Wister, Trego, *President.*

NAYS:—Messrs. Bobb, Fisher, Haas, Jones.

Yeas, 35. Nays, 4.

A quorum of members not voting, the question was not decided.

Mr. Wister

Offered the following

## Resolution

*Resolved*, That the Common Council shall stand adjourned until next Monday, at 3 o'clock, P.M.

Which was read a second time.

Mr. Ellis

Moved to amend by striking out "Monday at 3 o'clock," and inserting "Tuesday, at 7 o'clock."

Which was agreed to.

The Resolution as amended was agreed to.

Mr. Jones

Offered the following

## Resolution:

*Resolved*, That a Special Committee of five be appointed to inquire into, and to report to Councils the amount of Warrants that have been twice paid by the Treasurer of the City of Philadelphia. And also, to report some plan by which the perpetration of such frauds may be prevented.

The Resolution was read a second time and adopted.

The President appointed Messrs. Jones, Potter, Kelly, Wister, and Dickinson, on said Committee.

Mr. Cooley

Offered the following

## Resolution:

*Resolved*, That the Finance Committee be instructed to prepare and Report an Ordinance to secure the payment of Warrants by the City Treasurer, in the order in which they may be presented.

Which was referred to the Committee on Finance.

A message from Select Council informed, that they had passed a Resolution entitled "Resolution relative to the Fifth and Sixth Street Passenger Railway Company," in which they ask concurrence.

Mr. Wetherill

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Fish

Offered the following

## Resolution:

Authorising the Commissioner of Markets to draw certain Warrents.

*Resolved*, By the Select and Common Council, of the City of Philadelphia, that the Commissioner of Markets be and he is hereby authorzed to draw Warrants on the City Treasurer on Items No. 5, in favor of the following persons for payment of their Bills:

Charles F. Cope, for building a shed at the south-end of Wharton Market, $185.00.

William P. Prickett, for repairs to Market Houses, 56.95.

James Cannon, for repairs to Market Houses, 50.00.

The Resolution was read twice and adopted.

Mr. Brown

From the Committee on Port Wardens, Public Wharves and Landings, presented a Report from that Committee with a Resolution annexed, entitled "Resoluton to authorise the transfer of an Item of appropriation, to the Department of Wharves and Landing." (*See Appendix, No.* 61.)

The Resolution was read a second time and adopted.

Mr. Wm. Conrad

From the Committee on Gas Works, submitted a Report from that Committee, with a Bill entitled

"AN ORDINANCE

Providing for the lighting, extinguishing, cleansing and repairing of the Public Lamps." (*See Appendix No.* 62.)

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wm. Conrad

Moved that the rules be suspended and the Bill read a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Potter

From the Committee on Highways presented a report from that Committeee with two Resolutions, entitled, "Resolutions to authorise the Chief Commissioner of Highways to contract for cleansing the City." (*See Appendix, No.* 63.)

And moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The First Resolution was read a second time.

A message from Select Council was received, informing Council, that they have passed a Bill, entitled, "Resolution to transfer certain Item of appropriation to the Board of Health." In which they ask concucrence.

Also, that they have concurred in the amendments of Common Council, to Select Councils' Bill, entitled, "An Ordinance to provide for an alteration in the mode and manner of leasing the Public Wharves and Landings."

With the exception of the following amendments, in which they have non-concurred.

"*Provided*, that all leases made under this Ordinance shall be subject to the approval of Councils."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to to the Department of the City Controller, and to refund certain overpaid taxes."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of City Commissioners to pay certain claims and expenses."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of Police for the purposes therein mentioned."

Also, that they concurred in the Resolution, entitled, "Resolution transferring certain items of appropriation to the Guardians of the Poor, with the following amendments, to wit:

Strike out all after the enacting clause and insert as follows:

"That the City Controller be, and he is hereby authorized to transfer the sum of four hundred and fifty-five dollars and sixty-three cents of the appropriation approved April 30th, 1858, to pay bills contracted in the year 1857; made to the Department of Poor, as follows, viz: to Item 11, one dollar and eight cents; to Item 18, two dollars and thirty-two cents; to Item 26, one hundred and seventy-nine dollars and twenty-four cents; to Item 27, eighty-eight dollars and eighty-one cents; to Item 31, one hundred and three dollars and thirty-seven cents; to Item 50, twenty-two dollars and thirty-nine cents; and to Item 58, fifty-eight dollars and forty-two cents."

Also, that they have received a Report from the Committee on Schools, with a Resolution, entitled, "Resolution

to transfer certain items of appropriation to the Board of Controllers of Public Schools," which they have passed and ask concurrence.

Also, that they have concurred in the Resolution, entitled, "Resolution to transfer an item of appropriation to the Wills' Hospital."

Also, that they have concurred in the Resolution, entitled, "An Ordinance to make an appropaiation for the support of the Steam Fire Engine Diligent."

Also, that they have concurred in the Resolution, entitled, "Resolution transferring certain items of appropriation to the Police Department."

Also, that they have concurred in the Resolution, entitled, "Resolution to transfer an item of appropriation to the Law Department."

Also, that they have concurred in the Resolutions, entitled, "Resolutions relative to a certain contract with John Jones."

Mr. O. Conrad

Moved that Council adjourn.

Which was agreed to.

And Council adjourned until Tuesday evening next, at 7 o'clock.

## TUESDAY, December 28, 1858.

Council met pursuant to adjournment.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Kerr, |
| | Brenan, | | Kersey, |
| | Bobb, | | Ketcham, |
| | Case, | | Krider, |
| | Cattell, | | Luther, |
| | Conrad, William, | | Manuel, |
| | Cooley, | | Mascher, |
| | Day, | | McBride, |
| | Dennis, | | McIlvain, |
| | Dickinson, | | Miller, Geo. B., |
| | Eckfeldt, | | Miller, Hiram, |
| | Fish, | | Mingle |
| | Fisher, | | Morris, |
| | French, | | Moyer, |
| | Gamble, | | Potter, |
| | Gay, | | Pugh, |
| | Gordon, | | Riley, |
| | Haas, | | Savage, |
| | Hacker, | | Server, |
| | Handy, | | Simons, |
| | Heins, | | Steelling, |
| | Hodgdon, | | Wagner, |
| | Hutchinson, | | Walsh, |
| | Jones, | | Wetherill, |
| | Kelley, | | Wildey, |
| | Kelton, | | Wright, |

Trego, *President.*

Mr. Hacker,

From the Committee on Finance, presented a Report, with two Bills annexed, entitled,

1. "AN ORDINANCE

to make an appropriation to pay the interest on the funded debt falling due on the first day of January, 1859."

2. "AN ORDINANCE

to authorize the sale of City Loans to pay the funded debt of the City of Philadelphia falling due on January 1, 1859, and to make an appropriation for the payment of the same." (*See Appendix, No.* 64.)

And moved to proceed to the second reading and consideration of the first Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time by its Title and passed.

Also,

Moved to proceed to the second reading and consideration of the second Bill accompanying the Report.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the Rule and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Hutchinson

From the Committee on Surveys, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

authorizing the construction of a Culvert in the 8th Ward. (*See Appendix No.* 65.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to read the Bill a third time by its Title.

Which was agreed to.

The bill was read a third time and passed.

Mr. Gordon

Moved to proceed to the second reading and consideration of a Resolution from Select Council entitled, "Resolution to transfer certain Items of appropriation to the Board of Controllers of Public Schools."

Which was agreed to.

The Resolution was read a second time.

Mr. Kelley

Moved to amend, by adding at the end, "and from Item 'fuel,' in Miscellaneous Expenses, two hundred dollars, to Item 'repairs and additions,' in the Second Section."

Which was agreed to.

The Resolution as amended was adopted.

Council resumed the consideration of a Resolution from Select Council, entitled "Resolution to transfer certain Items of appropriation to the Board of Health."

The Resolution was read a second time and adopted.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Resolution from Select Council, entitled, "Resolution to pay certain Bills."

Which was agreed to

The Resolution was read a second time.

Mr. H. Miller

Moved to amend, by adding the following words, "and to pay I. P. Morris & Co., for repairs, seven hundred and fifty-seven dollars and eighty-three cents; and to pay Hunsworth, Eakin & Co., three hundred and ninety-five dollars and seventy-seven cents, for repairs to Delaware Works."

Also,

By striking out "$316.65," and inserting "$1,470.25."

The amendment was agreed to.

The Resolution, as amended, was adopted.

Mr. Luther

Moved to proceed to the second reading and consideration of a Bill entitled

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor, for the purposes therein mentioned."

Which was agreed to.

The Bill was read a second time.

Mr. Jones

Moved to amend by striking out the words "and office rent" in the Item of appropriation to Francis B. Moore, and strike out $85, and insert $25.

Which was agreed to.

Mr. Potter

Moved to refer the Bill to the Committee on Poor from this Chamber.

Which was agreed to.

A Message from Select Council informed that they had non-concurred in the amendment of Common Council to a Resolution entitled, Resolution to transfer certain Items of appropriation to the Controllers of Public Schools.

Mr. Kelley

Moved that this Council recede from its amendment.

Which was agreed to.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Bill entitled.

"AN ORDINANCE

to make an appropriation to the Department for supplying to the City with water."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. H. Miller

Moved to read the Bill a third time by its Title,

Which was agreed to.

The Bill was read a third time and passed.

Mr. H. Miller

Moved to proceed to the second reading and consideration of a Resolution entitled "Resolution to transfer certain Items of appropriation to the Department for supplying the City with water."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Council proceeded to the consideration of a message from Select Council informing that they had non-concurred in the last amendment of this Council to a Bill entitled

"AN ORDINANCE

to provide for an alteration in the mode and manner of leasing the Public Wharves and Landings, to wit:—

*Provided*, that all leases made under this Ordinance shall be subject to the approval of Councils.

Mr. Baird,

Moved that this Council recede from its amendment.

Which was agreed to.

Mr. Gordon

Moved to proceed to the second reading and consideration of a Resolution, entitled, "Resolution transferring certain items of appropriation to the Guardians of the Poor."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

So Common Council concurred.

A Message was received from Select Council, informing Council that they had passed a Resolution, entitled, "Resolution to cause certain Railroad connections to be removed."

Mr. Wetherill

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Baird

Moved to refer it to the Railroad Committee.

Which was not agreed to.

On the final passage of the Resolution the yeas and nays were demanded by Messrs. Handy and Baird,

And were as follows:

YEAS:—Messrs. Case, Cattell, Dickinson, Fish, Fisher, French, Gamble, Gay, Gordon, Heins, Hutchinson, Kelley, Kerr, Kersey, Ketcham, Krider, Luther, Manuel, Mascher, Miller Geo. B., Mingle, Moyer, Potter, Pugh, Savage, Server, Steelling, Wagner, Walsh, Wetherill, Wildey, Trego, *President.*

NAYS:—Messrs. Baird, Cooley, Ellis, Hacker, Handy, Hodgdon, Kelton, Miller Hiram, Riley.

Yeas, 32. Nays, 9.

No quorum having voted the President declared that the question had not been decided.

Select Council inform Common Council, that they have concurred in the Bill, entitled, "An Ordinance to authorize the sale of City Loans to pay the funded debt of the City of Philadelphia, falling due on January 1, 1859 and to make an appropriation for the payment of the same."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to pay the interest on the funded debt of the City of Philadelphia, falling due on the first day of January, 1859."

Also, that they have concurred in the Bill, entitled, "An Ordinance authorizing the construction of a certain culvert in the Eighth Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing the Commissioner of Markets to draw certain warrants."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize a transfer of appropriation to the Department of Wharves and Landings."

Also, that they have non-concurred in the amendment to the Resolution of Select Council, entitled, "Resolution to transfer certain items of appropriation to the Board of Controllers of the Public Schools."

Also, that they have concurred in the amendments of Common Council to Select Councils' Resolution, entitled, "Resolution to pay certain Bills."

Mr Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

THURSDAY, December 30, 1858.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McClean,
McDonough,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,

Messrs. Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Server,
Smedley,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President.*

Mr. Heins

Presented a Petition for water pipes on Mary Street from Beach to Willow Streets, in Eighth Ward.

Mr. Potter

Presented a Petition for water pipes on Pratt Street between Twenty-third and Twenty-fourth Streets, Fifteenth Ward.

Mr. Gay

Presented a Petition for water pipes on Howard Street from Jefferson to Norris Streets, in the Seventeenth and Nineteenth Wards.

Which were referred to the Committee on Water Works.

Mr. Mascher

Presented a claim of Geo. J. Geisse for $35,42.

Which was referred to the Committee on Finance.

Mr. Hacker

Presented a Petition from the Columbia Hose Co., asking for a telegraphic signal box in their house.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Dennis

Presented a Communication from the Central Market

Company in relation to leasing a portion of the Girard Estates.

Which was referred to the Committee on Markets and the Committee on Girard Estates.

Mr. Ketcham

Presented the following Communication from the Chief Commissioner of Highways:

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I feel it to be my duty to urge upon you the necessity of immediate action in relation to the cleansing of the City and collecting of the ashes. As the Department of Highways will have no authority to continue on at said work after the 31st inst., inasmuch as it would then be done in violation of Section 5th of an Act of Assembly, approved April 21st, 1858, if the Department continues the work after that time without your action.

Respectfully yours,

C. B. ANDRESS,

*Chief Commissioner of Highways.*

*Philadelphia, December* 30, 1858.

Which was laid on the table.

Mr. Gordon

Presented a petition for repairs to a road in the Second Ward.

Mr. Brown

Presented a petition for changing the name of Wood Street, in the Eighteenth and Nineteenth Wards.

Which were referred to the Committee on Highways.

Mr. Dennis

Presented a communication from the Philadelphia

County Medical Society and Collage of Physicians, of Philadelphia, asking the passage of an Ordinance providing for the Registration of Births, Marriages, and Deaths.

Which was referred to the Committee on Health.

Mr. Potter

Presented a petition for a Market Stand in Callowhill Street, from Broad Street to Nineteenth Street, in the Fifteenth Ward.

Which was referred to Committee on Markets.

Mr. Gordon

Presented a Remonstrance against the cleansing of the Streets by Contract.

Which was referred to the Committee on Highways.

Mr. Manuel

Presented a Bill of George W. Robertson for Plumbing at the Union Street Station House.

Which was referred to Committee on Claims.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, December* 30, 1858,

*To the President and Members of the*
*Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz.:

On the 24th inst. "An Ordinance to make an appropriation to the Department of Police for purposes therein mentioned."

On the 24th inst. "An Ordinance to make an appro-

priation to the Department of the City Commissioners to pay certain claims and expenses."

On the 24th inst. "A Resolution transferr ing certain items of appropriation to the Police Department."

On the 24th inst. "A Resolution authorizing the release of certain property of George W. Simons."

On the 24th inst. "A Resolution to transfer an Item of appropriation to the Law Department."

On the 27th inst. "Resolution relative to a certain contracts of John Jones with the Guardians of the Poor."

On the 28th inst. "A Resolution to transfer an Item of appropriation to the Wills Hospital."

On the 28th inst. "An Ordinance to make an appropriation for the support of the Steam Fire Engine Diligent."

On the 28th inst. "An Ordinance to make an appropriation to the Department of the City Controller, and to refund certain overpaid Taxes."

On the 29th inst. "An Ordinance to make an appropriation to pay the interest on the Funded Debt of the City of Philadelphia falling due on the 1st day of January 1859."

On the 29th inst. "A Resolution to authorize a transfer of appropriation to the Departments of Wharves and Landings."

On the 29th inst. "An Ordinance to authorize the sale of City Loans to pay the funded debts of the City of Philadelphia falling due on the 1st of January 1859, and to make an appropriation for the payment of the same."

On the 29th inst. "A Resolution authorizing the Commissioner of Markets to draw certain warrants."

On the 29th inst. "A Resolution to authorize the City Solicitor to enter satisfaction on certain Bonds and Judgments of offiers in the Highway Department."

On the 29th inst. "A Resolution transferring certain Items of appropriation to the Guardians of the Poor."

On the 30th inst. "An Ordinance authorizing the construction of a certain Culvert in the Eighth Ward.;'

On the 30th inst. "A Resolution transferring certain Items of appropriation to the Guardians of the Poor."

On the 30 inst. "A Resolution to change certain Items of appropriation to the Recciver of Taxes."

On the 27 inst. I signed the Joint Resolutions of Councils entitled "Resolutions relative to a certain contract of John Jones with the guardians of the Poor," in the latter whereof the City Controller is directed to countersign warrants for supplies therein specified.

The delay of the passage of these Resolutions until December 23rd, has made it impossible for the Board of Guardians to advertise for sealed proposal in accordance with the terms of the second Resolution so that such proposals could be opened on the 28th of December, the time appointed therefore—as the publication required is to be made "on Wednesday next ensuing" (December 29th) for five days.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, December 30th*, 1858.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN;—I have had presented to me, for my

approval, and I still hold a Bill for Articles furnished to the Guardians of the Poor. The Bill, a copy of which is herewith submitted, is made out in the name of Messrs. Taylor, Gillespie & Co., a respectable firm in Water Street. I informed the party presenting the Bill, that I should require the oath of one of the firm to the bill. Messrs. Taylor, Gillespie & Co., hearing that a bill from their house was in my hands, called in reference to it, when I was astonished to learn that the Bill had not been made out by them—that they had furnished no goods to the Guardians of the Poor. I am informed that two cents per pound on Sugar, six cents per gallon on Molasses, and half a cent per pound upon Rice, is charged in excess of fair and honest prices. The Bill amounts to $292·24.

I have also two Bills in my hands, one made out by John Given, who claims to reside at Filbert and Nineteenth Streets. This Bill amounts to $154·55, and is for Sugar, Combs, Buttons, Arithmetics, Cakes, Butter, and Lard, furnished Board of Guardians of the Poor. The other Bill is rendered by John Henderson, No. 1718 Market Street, for two hhds. of Molasses @ 40 cts per gallon, which is said to be four cents per gallon above the market price. The Bill of John Given has been paid, but the fact in connection with these two Bills is, that they are both made out in same hand-writing, by the same person, a young man in the employ of Henderson, but all the Bills are vouched for by the same "Guardian of the Poor." I deem it my duty to lay these facts before Councils, as they point to abuses in the Department of Poor, which need some legislative action on the part of Councils to correct.

Yours, very respectfully,

GEO. W. HUFTY,

*Controller.*

*Philadelphia, Nov.* 29, 1858

THE GUARDIANS OF THE POOR,

Bought of Taylor, Gillespie & Co.,

| | | |
|---|---|---|
| 1 hhd. Cuba Sugar, 1782–214–1568 @ 9cts., | | $141·12 |
| 1 hhd. Mississippi Molasses, 131 gal. @ 42, | | 55·02 |
| 3 Tierces Rice, | 718<br>637<br>692 | |
| | 2047 | |
| | 205 1842 @ 5 cts., . . | 92·10 |
| | | $288·24 |
| Porterage, . . | | 4·00 |
| | | $292·24 |

(Signed,)
J. MCCLELLAN,

(Correct,)

Received the above, (Signed,) J. M. K.

(Signed,) GEO. JEFFRIES, *Storekeeper.*

(Signed,) JOS. F. MCCLELLAN.
*Guardian and Visitor.*

Which are laid on the table.

Also,

Submitted the following Communication:

*Philadelphia, December* 30, 1858.

To CHARLES B. TREGO,
*President of Common Council.*

SIR:—I have noticed in the published proceedings of the Common Council, that at a Meeting on Tuesday last, it was stated that when the proper City authorities notified the Officers of the Frankford and Southwark Railroad Com-

pany to desist from proceeding to construct or complete a turn-out or curve from their road at Fifth and Sixth and Washington Streets, they suspended operations for the instant, and after night-fall re-commenced and completed their projected work.

To this statement, I make an unqualified denial.

When the authorities notified the Company to desist, they complied; and they have not since attempted to complete or work at the turn-out or curve, and it is in the same unfinished condition now, as it was when they were notified to suspend their work upon it, except that, by the direction of the Chief Commissioner of Highways, two gutters have been covered by them to prevent accidents.

I am, yours, very respectfully,

THOS. L. LUDERS, *President.*

Which was laid on the table.

Mr. Wetherill

Moved to amend the Rules and resume the consideration of a Resolution, entitled, "Resolution to cause certain Railroad connections to be removed."

On this question the yeas and nays were demanded by Messrs. Handy and Wm. Conrad.

Which were as follows:

YEAS:—Messrs. Brenan, Bobb, Bowker, Brown, Bullock, Case, Cooper, Day, Dennis, Dickinson, Eckfeldt, Ellis, Fisher, French, Gamble, Gay, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hunter, Hutchinson, Kelley, Kerr, Ketchum, Krider, Manuel, Mascher, McBride, McClean, McDonough, Megary, Miller Geo. B., Miller Hiram, Mingle, Morris, Nippes, Roats, Rothermel, Simons, Steelling, Thompson, Wagner, Walsh, Wetherill, Wildey ,Trego, *President.*

NAYS:—Messrs. Baird, Conrad William, Cooley, Fish,

Handy, Hodgdon, Holmes, House, Jones, Kelton, Potter, Smedley.

Yeas, 50. Nays, 12.

The Resolution was again read.

Mr. Dennis

Moved to amend by adding at the end, the words "if the City Solicitor shall deem the action of said Company a violation of law."

Mr. H. Miller

Moved to amend the amendment, by striking out all after the word "Resolved," and inserting the following;

"That the Chief Commissioner of Highways be instructed to report to Councils, by what authority the Fifth and Sixth Street Passenger Railway Company have made the connection with the Trenton Railroad and Southwark Railroad."

Mr. Cooley

Moved to refer the Resolution with the pending amendments to the Committee on Railroads.

Mr. Potter

Moved to amend by substituting Committee on Highways for Committee on Railroads.

Mr. Gordon

Seconded by Messrs. Dickinson, Gay, Wagner, Megary, Brenan, McIlvain, Krider, Case, Wetherill, Heins, Manderfield, Simon, McClean, and Manuel.

Moved the previous question.

Which was agreed to.

The amendment to the amendment was not agreed to.

The question recurring on the amendment the yeas and nays were demanded by Messrs, Handy and Baird.

And were as follows:

YEAS:—Messrs. Baird, Bobb, Bullock, Cattell, Conrad Wm., Cooper, Dennis, Eckfeldt, Ellis, Enyard, Fish, Fisher, French, Gay, Gillingham, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Holmes, House, Hutchinson, Jones, Kelton, Mascher, McBride, Miller Geo. B., Potter, Pugh, Riley, Roats, Rothermel, Simon, Smedley, Steelling, Wister, Trego, *President.*

NAYS:—Messrs. Brenan, Bowker, Brown, Case, Cooley, Day, Dickinson, Gamble, Gheen, Gordon, Harmer, Hunter, Kelley, Kerr, Ketcham, Krider, Manderfield, Manuel, McClean, McDonough, McIlvain, Megary, Mingle, Morris, Moyer, Nippes, Server, Thompson, Wagner, Walsh, Wetherill, Wildey.

Yeas, 39. Nays, 32.

So the amendment was agreed to.

The Resolution as amended was agreed to.

Mr. Hacker

From the Committee on Finance, presented a Report, with three Bills, entitled,

1. "AN ORDINANCE

to make an appropriation to the Inspectors of the County Prison for the year 1859."

2. "AN ORDINANCE

to make an appropriation to the Department of City Commissioner for the year 1859.

3 "AN ORDINANCE

to make an appropriation to the Department of Surveys for the year 1859." (*See Appendix, No.* 66.)

Which was laid on the table, ordered to be printed, and placed on file.

Also,

A further Report with a Bill, entitled,

"AN ORDINANCE

to make an appropriation out of the income of certain trusts." (*See Appendix, No.* 67.)

And moved to proceed to the Second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further report with a Bill annexed, entitled,

"AN ORDINANCE

to transfer certain trust funds now in the City Treasury." (*See Appendix No.* 68.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Preamble was agreed to.

The Title was agreed to,

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed,

Mr. Wm. Conrad

From the Committee on Gas Works, presented a Report containing the estimates for lighting, extinguishing, cleansing, and repairing the public lamps for the year 1859.

Which was referred to the Committee on Finance.

Mr. Bullock,

From the Committee on Highways, presented a Report, with a Resolution, entitled, "Resolution to authorize the Chief Commissioner of Highways to offer a reward for taking down or defacing street names." (*See Appendix, No.* 69.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Kelly

Moved to amend by inserting the word "public" before the word "streets."

Which was not agreed to.

The Resolution was adopted.

The Title was agreed to.

Mr. Jones

From the Committee on Police, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation for the relief of the widow of the late George Fink." (*See Appendix, No.* 70.)

Mr. Gordon

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

Mr. Gordon

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer,

From the Committee on Trusts and Fire Department, reported a Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Managers of Wills Hospital, for the use of said Hospital for the year 1859." (*See Appendix, No.* 71.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Also,

A further Report from the same Committee with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Superintendent of Trusts,

for the purposes therein mentioned for the year 1859." (*See Appendix, No.* 72.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to,

The Second Section was agreed to,

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Also,

A further report from the same Committee, with a Resolution annexed, entitled,

## Resolution:

To receive $11,000 on account of a mortgage held by the City of Philadelphia.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Treasurer be, and he is hereby authorized to receive from the Philadelphia Exchange Company, the sum of eleven thousand dollars on account of the mortgage executed by the said Philadelphia Exchange Company, to the Mayor, Aldermen and citizens

of Philadelphia, to secure the payment of the principal sum of sixty thousand dollars, with lawful interest dated the 22nd day of June, 1835, and that the same be invested in the loans of the City of Philadelphia.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Gordon

Moved to amend by adding "and that the same be invested in the loans of the City of Philadelphia."

The amendment was agreed to.

The Resolution as amended was adopted.

Mr. Gordon,

From the Committee on Poor, presented a Communication from the Trustees of the Union School and Children's Home which had been referred to that Committee.

And moved to refer it to the Committee on Finance.

Which was agreed to,

Also

A Communication from the Guardians of the Poor in relation to certain warrants which had been referred to that Committee.

And moved to refer it to the Committee on Claims.

Which was agreed to.

Mr. Dennis

From the Committee on Claims, presented a report with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to pay certain claims against the City." (*See Appendix, No.* 73.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

Mr. Mascher

Moved to postpone the further consideration of the Bill for the present.

On this motion the yeas and nays were demanded by Messrs. Dennis and Mascher.

And were as follows:

YEAS:—Messrs. Cooley, Ellis, Gillingham, Kelton, Mascher, Miller Hiram, Smedley, Steelling, Wagner, Wetherill.

NAYS:—Messrs. Baird, Brenan, Bobb, Brown, Bullock, Case, Cattell, Conrad William, Cooper, Day, Dennis, Dickinson, Eckfeldt, Enyard, Fish, Fisher, French, Gamble, Gay, Green, Gordon, Haas, Hacker, Harbert, Harmer, Hodgdon, House, Hunter, Hutchinson, Jones, Kelley, Kerr, Kersey, Ketcham, Krider, Manuel, McBride, McIlvain, Megary, Miller Geo. B., Morris, Moyer, Pugh, Riley, Roats, Rothermel, Thompson, Wister, Trego. *President.*

Yeas, 10, Nays, 49,

So the motion was not agreed to.

Mr. Steeling

Moved to amend the first Section by striking out Item 3.

Which was not agreed to.

Mr. Jones

Moved to amend by striking out Item 7.

Which was agreed to.

The first Section as amended was agreed to.

The second Section as amended was agreed to.

The Title, as amended, was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Dennis

Moved to suspend the Rules, and read the Bill a third time by its Title.

On this motion the yeas and nays were demanded by Messrs Steelling and Mascher.

And were as follows.

YEAS: Messrs. Baird, Brenan, Bobb, Brown, Case, Cattell, Conrad William, Cooper, Dennis, Dickinson, Eckfieldt, Enyard, Fish, Fisher, Fitler, French, Gay, Gheen, Gordon, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Hutchinson, Jones, Kelley, Kersey, Ketchum, Krider, Manderfield, Manuel, McBride, McIlvain, Megary, Miller Geo. B, Morris, Moyer, Potter, Pugh, Riley, Roats, Rothermel, Server, Simons, Thompson, Walsh, Wister, Trego, *President.*

NAYS:—Messrs. Cooley, Gillingham, Haas, Kelton, Kerr, Mascher, Miller Hiram, Nippes, Smedley, Steelling, Wetherill,

Yeas, 52. Nays, 11.

So the motion was agreed to.

Mr. Fish

From the Committee on Markets, presented a Report with a Resolution annexed entitled "Resolution to trans-

fer an Item of appropriation to the Department of Market Houses." (*See Appendix No.* 74

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Brown

From the Committee on Wharves and Landings presented a Report in relation to certain drainage at Arch Street, on the Delaware River, with a Resolution, annexed, discharging the Committee from the further consideration of the subject. (*See Appendix, No.* 75.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

A further Report from the same Committee, adverse to the petition of John M'Makin, that the City would purchase certain fixtures at Chestnut Street Wharf, together with a Resolution discharging the Committee from the further consideration of the subject. (*See Appendix, No.* 76)

The Resolution was read a second time and adopted.

Mr. Gordon

Offered the following

## Resolution;

Granting the use of Independence Hall to Hon. Stephen A. Douglas.

*Resolved*, By the Select and Common Council, of the

City of Philadelphia, that the use of the "Hall of Independence" be tendered to the Hon. Stephen A. Douglas, Senator of the United States, in which to receive his friends when he passes through this City, on his way to Washington.

Which was read twice and adopted.

Mr. Morris

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Commissioner of Highways be, and he is hereby authorized, to notify the property owners on Putnam Street, from Second to Front Streets; Seargent Street, from Frankford Road to Jasper Street; Emlin Street, from York to Lehigh Avenue; Cumberland Street, from Coral to Jasper Streets; Hutington Street, from Front to Second Streets; Howard Street, from Jefferson to Cumberland Streets; Deal Street, from Frankford Road to Lemon Street; Sepviva Street, from Vienna to Cumberland Streets, in Nineteenth Ward, to have the curb set and sidewalks paved, within thirty days from date of notice, and if the same be not done the Commissioner of Highways be, and he is hereby authorized to have the same done, and the cost charged to owners of property on said Streets.

Which was referred to the Committee on Highways.

Mr. Dickinson

Offered a Resolution instructing the Receiver of Taxes to advertise the names of delinquent tax payers in the Inquirer, North American and News.

The Resolution was read twice and adopted.

Mr. Mascher

Offered the following

## Resolution:

*Resolved*, That the Agent of the Girard Estate be, and is hereby required to furnish Common Council with the number and location of all the Wharves, Warehouses, and Stores, belonging to the Girard Estate, together with the date of the leases, and the amount of rents for the same, particularly with the terms and conditions upon which the Union Steamship Company rent the Wharves and Stores now occupied by them.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to,

The Resolution was read a second time.

Mr. Baird

Moved to refer the Resolution to the Committe on Girard Estates.

Which was not agreed to.

Mr. Gordon

Moved to amend by adding after the word "Stores," the words, "and all other property."

Which was agreed to,

The Resolution as amended, was adopted.

Select Council informed that they had concurred in the "Resolution to examine the contracts for improving Delaware Avenue," with the following amendment,

*Provided*, "That no member of the Committee on the Girard Estates shall be appointed upon the Committee herein provided for."

Mr. Pugh

Moved to concur in the amendment.

Which was agreed to.

Mr. Gordon, seconded by Mr. Mascher,

Moved to re-consider the vote just taken.

Which was agreed to.

Mr. Gordon

Moved to postpone the further consideration of the amendment of Select Council indefinitely.

Which was not agreed to.

The amendment of Select Council was concurred in, and

The President

Appointed Mr. Potter on the Committee, in place of Mr. Gamble.

Mr. Wagner

Offered the following

## Resolution:

*Resolved*, When we adjourn, we adjourn to meet on Wednesday Evening next, at 6 o'clock, for the purpose of considering the Appropriation Bills, and the Bills from Select Council, on the President's desk.

And moved to proceed to the second reading of the same.

Which was agreed to.

Mr. Kerr

Moved to strike out "six," and insert "seven."

Mr. Megary

Moved to amend the amendment, by striking out "Wednesday," and inserting "Tuesday."

Which was not agreed to.

The amendment was agreed to.

Mr. Dennis

Moved to further amend by adding at the end thereof, the words, "and other unfinished business."

Which was agreed to.

The Resolution, as amended, was agreed to.

Select Council informed that they had concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of the City Controller, for the year 1859," with the following amendment, to wit:

Amend Item 4, by striking out the word "two," and inserting the word "three."

Mr. H. Miller

Moved to concur in this amendment,

Which was agreed to.

Also,

That they had non-concurred in the amendment of

Common Council, to the "Resolution to cause certain railroad connections to be removed."

Mr. Wetherill

Moved to recede from the amendment referred to.

On this motion the yeas and nays were demanded by Messrs. Handy and Kerr.

And were as follows:

YEAS:—Messrs. Brenan, Bobb, Bowker, Brown, Bullock, Case, Cattell, Cooper, Day, Dickinson, Eckfeldt, Enyard, Fisher, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Harmer, Heins, Hunter, Hutchinson, Kelley, Kerr, Kersey, Ketcham, Krider, Manderfield, Manuel, McIlvain, Megary, Miller Geo. B., Moyer, Pugh, Server, Steelling, Thompson, Wagner, Walsh, Wetherill, Trego, *President.*

NAYS:—Messrs. Baird, Cooley, Ellis, Fish, Hacker, Harbert, Hodgdon, Kelton, Miller Hiram, Potter, Riley, Rothermel, Smedley.

Yeas 43. Nays 13.

Also,

That they had passed a Resolution, entitled, "Resolution transferring certain Items of appropriation to the Guardians of the Poor."

Mr. Gordon

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Cooley

Moved to postpone its further consideration for the present.

Which was agreed to.

Select Council informed Council, that they had concurred in the Bill, entitled "An Ordinance to make an appropriation for the use of the Trustees of the City Ice Boat, for the year 1859."

Also, that they have concurred in the Bill, entitled "An Ordinance to make an appropriation to the Department of the City Treasury for the year 1859."

Also, that they have concurred in the Bill, entitled "An Ordinance to make an appropriation to the Guardians of the Poor, of the income of certain Trusts to be applied according to the requirements of the respective Trusts."

Also, that they have concurred in the Bill, entitled "An Ordinace to transfer certain Trust Funds, now in the City Treasury."

Also, that they have concurred in the Bill entitled "An Ordinance providing for the Lighting, extinguishing, cleansing and repairing of the Public Lamps."

Also, that they have received a Report from the Committee on Girard Estates with a Bill, entitled "An Ordinance to make an appropriation for the use of the Girard Collage for the year 1859," which they have passed and ask concurrence.

Also, a Report from the Committee on Girard Estates, with a Bill, entitled "An Ordinance, to make an appropriation out of the income of the Girard Estate, for the purposes therein mentioned," which they have passed, and ask concurrence.

Also, that they have received a Report from the Committee on Schools, with a Bill, entitled, "An Ordinance, to make an appropriation to the Board of Controllers of the

Public Schools, of the First School District of Pennsylvania, for the purpose of defraying the cost of maintaining and managing the Schools in the said District, for the year 1859," which they have referred to the Committee on Finance, with instructions to Report an additional sum of $2,400, to be applied to the payment of the salaries of a Professor of Freneh and a Professor of Latin, in which they ask concurrence.

Also, that they have concurred in the Bill, entitled, "An Ordinance, to make an appropriation to the Department of the Receiver of Taxes, for the year 1859," with the following amendments, in which they ask concurrence;

Amend Item 5, by striking out "six hundred," and inserting "nine hundred."

Also, amend the enacting clause, by striking out, "nineteen thousand one hundred dollars," and inserting "nineteen thousand four hundred dollars."

Also, that they have concurred in the Resolution, entitled, "Resolution, to examine the Contracts for Improving Delaware Avenue," with the following amendments, in which they ask concurrence;

Amend the Resolution, by adding at the end thereof, as follows, to-wit;

*Provided*, "That no member of the Committee on the Girard Estates, shall be appointed upon the Committee herein provided for."

Also, that they have concurred in the Resolution, entitled, "Resolution, granting the use of Independence Hall to the Hon. S. A. Douglas."

Also, that they had received a report from the Committee on Retrenchment and Refrom with a Resolution asking the enactment by the Legislature of a supplement to the Consolidation Act re-organizing the Departments of

Poor and Health, which they have passed, and ask concurrence.

Mr. Gordon

Moved to postpone the further consideration of the Resolution for the present.

Which was not agreed to.

Mr. Miller

Moved to postpone the further consideration of the Resolution for the purpose of taking up the "Resolutions authorizing the Chief Commissioner of Highways, to contract for cleansing the City."

Which was agreed to.

The first Resolution was again read.

Mr. Heins

Moved to adjourn.

On this motion, the yeas and nays were demanded by Messrs. Mascher, and Gordon.

And were as follows:

YEAS:—Messrs. Bobb, Gamble, Gordon, Heins, Hodgdon, Hunter, Hutchinson, Kerr, Krider, Mascher, Pugh, Rothermel, Steelling.

NAYS:—Messrs. Baird, Conrad Osborn, Cooley, Ellis, Enyard, Fisher, French, Gillingham, Haas, Harmer, Kelley, Megary, Miller Hiram, Nippes, Riley, Thompson, Walsh, Trego, *President*.

Yeas 13. Nays 18.

A quorum of members not being present, Council adjourned until Wednesday evening next at seven o'clock.

## WEDNESDAY, January 5, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gillingham,
Gordon,
Hacker,
Handy,
Heins,
Hodgdon,
House,
Jones,
Kelley,
Kelton,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
M'Cahen,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Server,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Trego, *President.*

Mr. Steelling,

On leave, presented a Report from the Joint Select Committee upon the subject of weighing coal upon delivery, together with a Bill, entitled,

"AN ORDINANCE

to provide for the weighing of hard coal, purchased for the use of the City."

Which was laid on the table and ordered to be printed.

Mr. Dickinson

Moved to resume the consideration of the "Resolution to prepare contracts for certain culverts," which had been returned by the Mayor without his approval.

Which was agreed to.

The Resolution, together with the message of the Mayor, containing his objections,

The question being shall this Resolution pass notwithstanding the veto of the Mayor.

The yeas and nays were ordered in conformity with law.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Conrad William, Cooley, Day, Dennis, Fish, Gordon, House, Kelley, Miller Hiram, Moyer, Nippes, Potter, Roats, Server, Steelling, Thompson, Wagner, Walsh, Wetherill, Wildey.

NAYS:—Messrs. Bowker, Bullock, Case, Conrad Osborn, Cooper, Dickinson, Ellis, Fisher, Fitler, French, Gamble, Gillingham, Hacker, Heins, Hodgdon, Jones, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, Mascher, Miller George B., Mingle, Morris, Pugh, Riley, Rothermel, Smedley, Wister, Trego, *President.*

Yeas 23. Nays 32.

So the objections of the Mayor were sustained.

Mr. Dickinson

On leave offered the following

# Resolutions:

To prepare contracts for the construction of certain Culverts.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be, and he is hereby authorized and directed to prepare and have executed Contracts with the following persons, for the construction of the Culverts as authorized by Ordinance, approved February 27, 1858; said contracts to be in accordance with specifications drawn therefore by the Chief Engineer and Surveyor, and with the bids received and recorded November 15th, 1858, by the Chief Engineer and Surveyor, and with the bids received and recorded November 15th, 1858, by the Chief Engineer and Surveyor and the Chief Commissioner of Highways, to wit:

For the Cohocksink main Culvert, Daniel Stone.

For the Cohocksink branch Culvert, Messrs. D. & C. Kennedy.

For the Twenty-fourth Street main Culvert, D. & C. Kennedy.

For the Twenty-fourth Street branch Culvert, Bennett & Prall.

For the Moore Street Culvert, E. C. Paulin.

For the Vine Street Culvert, George Clark.

*Resolved*, That the City Solicitor be, and he is hereby authorized and directed to specify in said Contracts, as follows:

And it is mutually agreed and distinctly understood,

that the decision of the Chief Engineer and Surveyor, and the Chief Commissioner of Highways,and City Solicitor shall be final and conclusive in any dispute which may arise between the parties to this agreement relative thereto, and touching the same.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolutions were again read.

Mr. Gordon

Moved to postpone the further consideration for the present.

Which was not agreed to.

The First Resolution was adopted.

Mr. Riley

Moved to amend the second Resolution, by adding after the words, "Chief Engineer and Surveyor," the "Chief Commissioner of Highways and the City Solicitor."

Which was agreed to.

On the Resolution as amended, the yeas and nays were demanded by Messrs. Gordon and Mascher.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Bullock, Case, Conrad Osborn, Cooley, Cooper, Day, Dennis, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gamble, Gillingham, Handy, Heins, Hodgdon, House, Kelley, Kersey, Ketcham, Krider, Luther, Manderfield, Miller Hiram, Mingle, Morris, Moyer, Potter, Pugh, Riley, Rothermel, Server, Smedley, Steelling, Thomp-

son, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President*.

NAYS:—Messrs. Gordon, Mascher, M'Cahen, Nippes.

Yeas, 48. Nays, 4.

So the Resolution was adopted.

The Title was adopted.

Mr. Ellis

Offered the following

## Resolution:

Limiting Debates.

*Resolved*, That this Chamber adopt as a Rule, that no member shall be allowed to speak more than five minutes at any one time, nor more than twice on the same subject.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Hacker

Moved to resume the consideration of a Resolution from Select Council, entitled "Resolution relative to Market Stalls and stands in Market Street."

Which was agreed to.

Mr. Kelley

Moved to postpone the further consideration of the subject for the present.

Which was not agreed to.

The question recurring on the Resolution the yeas and nays were demanded by Messrs. Kelley and Megary.

And were as follows:

YEAS:—Messrs. Brenan, Cooley, Cooper, Day, Dennis, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gillingham, Hacker, Heins, Hodgdon, House, Kelton, Kersey, Ketcham, Luther, Manuel, Miller Geo. B., Potter, Riley, Rothermel, Server, Smedley, Steelling, Thompson, Wetherill, Wister, Trego, *President.*

NAYS:—Messrs. Bobb, Walsh.

Yeas, 32. Nays, 2.

No quorum having voted, the question was not decided.

Mr Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

29

## THURSDAY, January 6, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Comley,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Epler,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,

Messrs. Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
M'Cahen,
McDonough,
McIlvain,
Miller, Geo. B.,
Miller, Hiram,
Morris,

Messrs. Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Rubicam,
Savage,
Server,
Schoch,
Simon,
Simons,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Trego, *President.*

Mr. Hacker

Presented a Petition for an Ordinance declaring Market Street, from the forks of the Darby and Lancaster Roads westward, a stand for market wagons.

Mr. Cattell

Presented one of similar import.

Mr. Gheen

Presented one of similar import.

Which were referred to the Committee on Markets.

Mr. Harmer

Presented a Petition for public lamps on Morton and other Streets.

Which was referred to Committee on Police.

Mr. Cattell

Presented a Petition for water pipe on Haverford Street, in the Twenty-fourth Ward.

Which was referred to the Committee on Water Works.

Mr. Potter

Presented a Petition for paving Howard Street from Jefferson to Norris Street.

Which was referred to the Committee on Highways.

The following Communication was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, January* 6, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz.:

On the 31st ult. "A Resolution transferring an Item of appropriation to the Department of Markets."

On the 31st ult. "An Ordinance to transfer certain Trust Funds now in the City Treasury."

On the 4th inst. "An Ordinance providing for the lighting, extinguishing, cleansing and repairing of the public lamps."

On the 4th inst. "An Ordinance to make an appropriation to the Guardians of the Poor, of the income of certain Trusts to be applied according to the requirements of the respective Trusts."

On the 6th inst. "A Resolution suspending the Moyamensing Hose Company."

I have also signed the "Resolution suspending the Moyamensing Hose Company," which however virtually admits that that Company to immediate service, the period of suspension designated in such Resolution having expired more than two months since.

A proper construction of the Ordinance of June 23, 1858, authorizing the suspension of riotous Fire Companies, seems to warrent the re-admission of this Company, whether my signature be affiixed to this Reselution, or whether the same be withheld.

The definate action of Councils has superseded the suspension of this Company be the Chief Engineer, and in the present instance whether the suspension be approved or no, the result must be the same—in the former case the penalty having become inoperative—in the latter, never taking effect.

I cannot however concur with Councils in the expediency or the restoration to the Fire Department of a Company that has so repeatedly been proven guilty of riotous and disorderly conduct as the Company referred to in this Resolution.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Which was laid on the table.

The President

Submitted the following Communication:

*Philadelphia January* 6, 1859.

*To the President and Members of the Common Council of the City of Philadelphia-*

GENTLEMEN:—In the proceedings of Common Council of December 30, 1858, as published in the newspapers of December 31, I find a call made on the Agent of the Girard Estate for information relative to the property belonging to the Girard Estate, situate on Delaware Avenue, and particularly into that portion of it occupied by the Union Steamship Company. In compliance therewith, I present the following statement.

No. 5 North Delaware Avenue is occupied by A. J. Cheesbrough at a Rental of $800 per annum.

No. 6 North Delaware Avenue is occupied by John R. Neff, at a Rental of $800 per annum.

Nos. 7 & 8 North Delaware Avenue with the two Piers immediately East thereof is occupied by the Union Steamship Company, on a yearly lease which expires on the 30th of September 1859, at a yearly Rental of $3,700.

No. 9 North Delaware Avenue is occupied by James Maull Jr., on a yearly lease which terminates on the 31st of December, 1859, at a Rental of $600 per annum.

No. 27 North Water Street, in connection with a Pier and Dock to the east thereof, is occupied by A. G. Cattell, on a yearly lease which terminates on the 30th of September, 1859, at a yearly Rental of $3,800 per annum.

The above list of Properties, designated by the old numbers, comprises all the Property belonging to the Girard Estate, situated on Delaware Avenne.

All of which is Respectfully submitted.

WM. ELLIOTT.

*Agent of the Girard Estate.*

Which was laid on the table.

Also,

The following Communication.

CHIEF ENGINEER'S OFFICE,
*Philadelphia, January* 6, 1859.

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN: I beg leave to call your attention to the fact, that the firemen of the City labor under great disadvantage at fires, on account of the scarcity of Hooks and Ladders; there is but one Hook and Ladder Company now in service within the paved limits of the City, the Empire; an active and efficient Company, who do not perform duty below Spruce Street, but while acting in their own district, the whole of this branch of fire service devolves upon them.

I would suggest the propriety of making an appropriation, for the purpose of purchasing Hooks and Ladders to be placed in convenient positions, and to be under the control of a neighbouring Fire Company.

While upon this subject I would state to your honorable bodies, that the Protection Hook and Ladder Company located on Front Street above Franklin Avenue, in the Fourth District, do not appear to be using their apparatus at fires, and I have not seen them at any of the fires which have lately occurred in their District. Within the past month I have addressed two Communications to the President of the Company, for information in the matter; and as yet have received no reply. I would also add that some time ago, I made an official visit at their house, and was then and there informed, by some of the members, including the President; that they intended to pay no regard whatever to the orders of the Chief Engineer, and would not acknowledge his authority.

I would therefore recommend the immediate disbanding of the Protection Hook and Ladder Company, not being nor having been in service, they are useless, and their threats of disobedience, are calculated to bring trouble and confusion, into the Department.

Respectfully yours,

SAMUEL P. FEARON,

*Chief Engineer of the Fire Department.*

Which was referred to the Commitee on Trusts and Fire Department.

Also,

A further Communication from the Chief Engineer of the Fire Department with his quarterly Report, (*See Appendix No.* 77.)

Which was laid on the table.

Also,

The following Communication.

*January 6th*, 1859.

*To the Honorable Common Council.*

GENTLEMEN:—I respectfully ask that the Special Joint Committee on weighing coal, may be continued, so as to *examine and test* my apparatus for weighing coal from the cart at the place of delivery.

It has been successfully proved, and will be open for inspection in a few days at a central coal yard convenient for the Committee.

Very respectfully,

A. C. JONES.

Which was referred to the Joint Special Committee on that subject.

Mr. Wister

Offered the following

## Resolution:

*Resolved*, That Select Council be invited to meet this Chamber in convention, at 5 o'clock, P. M., for the purpose of electing two Directors of the North Pennsylvania Railroad Company, and one Port Warden, in place of E. C. Paulin, resigned.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read twice and adopted.

Mr. Hacker

From the Committee on Finance, presented a Report, with four Bills, entitled,

1. "AN ORDINANCE

to make an appropriation to the Board of Health, for the year 1859."

2. "AN ORDINANCE

to make an appropriation to the Department of Market Houses, for the year 1859."

3 "AN ORDINANCE

to make an appropriation to the Law Department, for the year 1859."

4 "AN ORDINANCE

to make an appropriation to the Department of Market Houses, for the care and management of the Wharves and Landings, for the year 1859." (*See Appendix, No.* 78.)

Which were laid on the table, and ordered to be printed and placed on File.

Mr. Mascher

Moved to suspend the rules, in order to proceed to the consideration of a Resolution from Select Council, "relative to Market Stalls and Stands, in Market Street."

Mr. Kelley

Asked for a division of the question.

The question being so divided as to make the first part thereof read, "shall the rules be suspended."

The yeas and nays were demanded by Messrs. Kelley and Mascher.

And were as follows:

YEAS:--Messrs. Baird, Conrad Osborn, Day, Dennis, Doerr, Eckfeldt, Fish, French, Harbert, Heins, Kelton, Manuel, McDonough, McIlvain, Simon, Smedley, Steelling, Thompson, Wagner, Walsh.

NAYS:—Messrs. Brenan, Bobb, Bowker, Brown, Bullock, Cattell, Comley, Conrad Wm., Cooley, Cooper, Dickinson, Eilis, Fisher, Gamble, Gay, Gheen, Gillingham, Haas, Hacker, Handy, Harmer, Hodgdon, House, Hunter, Jones, Kelley, Kerr, Ketcham, Krider, Luther, Mascher, McBride, Miller, Hiram, Moyer, Potter, Pugh, Roats, Rothermel, Rubicam, Savage, Wetherill, Wildey, Wister, Trego, *President.*

Yeas 20. Nays 44.

So the motion to suspend the rules generally, was not agreed to.

The question recurring upon the entire motion, the yeas and nays were demanded by Messrs. Mascher and Kelley.

And were as follows.

YEAS: —Messrs. Baird, Brenan, Cattell, Conrad Wm., Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Fish, Fisher, French, Gay, Gheen, Gillingham, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Kelton, Kerr, Kersey, Ketchum, Luther, Manuel, McBride, McDonough, McIlvain, MillerGeo. B, Morris, Potter, Roats, Rothermel, Rubicam, Savage, Simon, Smedley, Steelling, Thompson, Wagner, Wetherill, Wister, Trego, *Presdent.*

NAYS: — Messrs. Bobb, Bowker, Brown, Bullock, Comley, Conrad Osborn, Dickinson, Gamble, Haas, Handy, Hunter, Kelley, Kerr, Krider, Mascher, Moyer, Nippes, Pugh, Walsh, Wildey.

Yeas, 46. Nays, 20.

Mr. Kelley

Moved that the Resolution be referred to a Select Committee of one from each Ward, with instructions to Report appropriate sites for the erection of the Markets to be removed from Market Street.

Mr. Hacker

Moved to lay this motion on the table.

Which was agreed to.

Mr. Hacker,

Seconded by Messrs. Potter, Rubicam, Hacker, Gillingham, Wister, Ellis, Heins, Kersey, Luther, Cooper, French, Riley, Harbert, Ketcham, and Savage,

Moved the previous question.

Which was agreed to.

Upon the final passage of the Resolution, the yeas and nays were demanded by Messrs. Hacker and Mascher.

And were as follows:

YEAS:— Messrs. Baird, Cattell, Conrad William, Cooley, Cooper, Day, Dennis, Doerr, Eckfeldt, Ellis, Fish, Fisher, French, Gay, Gillingham, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hutchinson, Kelton, Kersey, Ketcham, Luther, Manderfield, Manuel, McBride, McDonough, McIlvain, Miller Geo. B., Morris, Potter, Riley, Roats, Rothermel, Rubicam, Savage, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wetherill, Wister, Trego, *President.*

NAYS;—Messrs. Bobb, Bowker, Brown, Bullock, Case, Comley, Conrad Osborn, Dickinson, Gamble, Gheen, Haas, Handy, Hunter, Jones, Kelley, Krider, Mascher, Moyer, Nippes, Pugh, Simon, Wildey.

Yeas, 48, Nays, 23,

Mr. Handy

Moved to suspend the rules, for the purpose of proceeding to the second reading and consideration of a Bill, entitled,

"AN ORDINANCE

further defining the duties of the City Commissioners."

Which was agreed to.

The First and only Section of the Bill was read.

Mr. Handy

Moved to amend, by inserting after the word "ordain," the following,

"That it shall be the duty of the City Commisioners to file, in the Office of the City Controller, a copy of the Tax Duplicate for each year after the passage of this Ordinance; said copy of the Duplicate shall be made out in form, the same as for the Department of the Receiver of Taxes; and it shall be the duty of said Controller to post against each Item on said Duplicate, the amount of Taxes returned to him, as received by the Receiver of Taxes, and also."

Which was agreed to.

Mr. Wm. Conrad

Moved further to amend by striking out the word "fifteen," before the word "days," and insert "sixty."

Mr. Wagner

Moved to postpone the amendment, together with the Bill, for the present.

Which was not agreed to.

The amendment was not agreed to.

Mr. Wister

Moved to strike out "fifteen," and insert "thirty."

Which was agreed to.

The Section as amended, was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Wetherill

Moved to suspend the rules, for the purpose of resuming the consideration of a Resolution from Select Council recommending the Assembly to enact a certain supplement to the Act of Consolidation, re-organizing the Departments of Health and Poor.

Which was agreed to.

Mr. Bullock,

Moved to refer it to a Joint Special Committee, for the purpose of reporting such other subjects of Legislation as may be necessary.

Which was not agreed to.

Mr. Wister

Moved to strike out the words "members of the bar," from the proposed Act of Assembly.

Which was not agreed to.

Mr. Wetherill

Moved to strike out the words "Supreme Court of

Pennsylvania," and insert "Select Council," and to strike out the words, "City Councils in joint convention" and insert the words "Common Council of the City of Philadelphia."

Mr. Bullock

Moved to further amend by striking out the word, "three" and inserting the word "two" where it occurs.

Which was not agreed to.

The question recurring on the amendment, it was agreed to.

Mr. Luther

Moved to amend by adding the following.

The said Guardians shall have power and it shall be their duty to elect a suitable person whose duty it shall be to make all the purchases of articles necessary for the consumption, and for the support of the inmates of the Almshouse; who shall, whenever he shall present a bill for articles so purchased, make oath or affirmation that said articles have been purchased at wholesale cash prices, and that he has received no compensation in the shape of commissions or gratuities or otherwise, and that said agent shall be required to give sufficient security, before entering on the discharge of his duties.

Mr. Pugh

Moved to amend the amemdment by adding the following at the end thereof.

*Provided*, That one of said Guardians shall reside in the 1st or 2nd Wards; one in the 3rd or 4th Wards; one in the 6th or 7th Wards; one in the 8th or 9th Wards; one in the 10th or 11th Wards; one in the 13th or 14th Wards; one in the 15th or 16th Wards; one in the 17th or 18th Wards; one in the 19th or 20th Wards; one in the 21st Ward; one in the 22nd Ward; and one the 24th Ward.

Mr. Wetherill,

Seconded by Messrs. H. Miller, Steelling, Rubicam, Brenan, Gillingham, Rothermel, French, Wister, Luther, Ellis, Cooley, Fitler, Harbert, Hodgdon, and Fish,

Moved the previous question.

On this motion the yeas and nays were demanded by Messrs. Gordon and Moyer.

And were as follows:

YEAS:—Messrs. Brenan, Bobb, Bowker, Brown, Cattell, Comley, Cooley, Cooper, Doerr, Ellis, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gillingham, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Jones, Kelton, Kersey, Ketcham, Luther, Manderfield, Mascher, McBride, M'Cahen, Miller George B., Miller Hiram, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Savage, Server, Simon, Simons, Steelling, Wetherill, Wister, Trego, *President.*

NAYS:—Messrs. Gordon, Kelley, Krider, Manuel, Moyer, Smedley, Thompson, Walsh, Wildey.

Yeas, 52. Nays, 9.

So the call for the previous question was sustained.

On the question, "shall the main question be now put," the yeas and nays were demanded by Messrs. Gordon and Moyer.

And were as follows;

YEAS:—Messrs. Brenan, Bobb, Bowker Brown, Cattell, Comley, Cooley, Cooper, Doerr, Ellis, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gillingham, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Jones, Kelton, Kersey, Ketcham, Luther, Mandeafield, Mascher, McBride, M'Cahen, Miller Geo. B.,

Miller Hiram, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Savage, Server, Simon, Simons, Steelling, Wetherill, Wister, Trego. *President.*

NAYS:—Messrs. Gordon, Kelley, Krider, Manuel, Moyer, Smedley, Thompson, Walsh, Wildey.

Yeas, 52. Nays, 9.

So the motion was agreed to.

The question recurring on the last amendment, offered by Mr. Pugh,

It was agreed to.

The amendment as amended, was agreed to.

And the draft of the supplement as thus amended, was agreed to.

The question recurring on the Resolution, approving the draft of the Act as amended, the yeas and nays were demanded by Messrs. Gordon and Wildey.

And were as follows:

YEAS:—Messrs. Bobb, Cattell, Conrad Wm., Cooley, Cooper, Doerr, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Haas, Handy, Harbert, Harmer, Heins, Kelton, Kersey, Ketcham, Luther, Manderfield, Mascher, McBride, Miller Geo. B., Miller Hiram, Morris, Pugh, Riley, Rothermel, Rubicam, Savage, Shoch, Simon, Simons, Steelling, Wagner, Wetherill, Wister, Trego, *President.*

NAYS:—Messrs. Brenan, Bowker, Bullock, Case, Comley, Fitler, Hunter, Kelley, Kerr, Krider, Manuel, M'Cahen, McIlvain, Moyer, Nippes, Thompson, Walsh, Wildey.

Yeas, 42. Nays, 19.

A message was received from Select Council, informing Council that they had concurred in the Resolution to

meet Common Council in Convention, to elect two Directors of the North Pennsylvania Railroad Company, and one Port Warden.

The President and Members of Select Council were introduced, and Councils being assembled in Convention,

The President, Mr. Wharton,

Announced the object thereof to be the election of two Directors of the North Pennsylvania Railroad Company, and one Port Warden.

The Convention proceeded to the election of two Direcors of North Pennsylvania Railroad.

The Clerks, acting as tellers, reported that 73 votes had been cast, of which,

Select Council,

Messrs. Bringhurst, Cornman, Davis, Enos, Ford, Leidy, McIntyre, Neal, Parker, Read, Thompson,

11, voted for Peter Fritz and John Kessler, Jr.

Common Council,

Messrs. Bobb, Bowker, Brown, Case, Cattell, Conrad Osborn, Cooley, Cooper, Dickinson, Ellis, Eckfeldt, Fish, Fisher, Fitler, French, Gamble, Gheen. Gillingham, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Hutchinson, Jones, Kelton, Kersey, Ketcham, Krider, Luther, Manuel, Miller Geo. B., Miller Hiram, Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Savage, Server, Simon, Simons, Smedley, Steelling, Wagner, Wetherill, Wildey, Wister, Trego, *President.*

54, voted for Peter Fritz and John Kessler, Jr.

In all, 65 votes.

Select Council,

Messrs. Cuyler, Schofield, Wharton, *President,*

3, voted for William L. Hirst, and Thomas S. Fernon.

Common Council,

Messrs. Brenan, Kelley, Manderfield, Mascher, Thompson,

5, voted for William L. Hirst and Thomas S. Fernon.

In all, 8 votes.

The President

Declared that Peter Fritz and John Kessler, Jr., were duly elected Directors of the North Pennsylvania Railroad Company.

The Convention then proceeded to the election of a Port Warden, to fill the vacancy occasioned by the resignation of E. C. Paulin.

The Clerks, acting as tellers, reported that sixty-eight votes had been cast, of which,

Select Council,

Messrs. Bringhurst, Cornman, Davis, Enos, Ford, McIntyre, Neal, Parker, and Thompson,

9, voted for George Mitchell.

Common Council,

Messrs. Bobb, Brown, Carson, Cattell, Conrad Osborn, Cooley, Cooper, Eckfeldt, Fish, Fisher, Fitler, French, Gamble, Gheen, Hacker, Harbert, Harmer, Heins, House, Hunter, Hutchinson, Jones, Kelton, Kersey, Ketcham, Krider, Luther, Manuel, Miller Geo. B., Miller Hiram, Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Savage, Server, Simon, Simons, Smedley, Steelling, Wetherill, Wildey, and Trego, *President*,

45, voted for George Mitchell.

In all, 54 votes.

Select Council,

Mr. Wharton,

1, voted for William Edwards.

Common Council,

Messrs. Brenan, Kelley, Manderfield, Mascher, and Thompson,

5, voted for William Edwards.

In all, 6 votes.

Select Council,

Mr. Read,

1, voted for Jacob Walker.

Common Council,

Messrs. Dickinson, Ellis, Gillingham, Haas, Hodgdon, Wagner, and Wister,

7, voted for Jacob Walker.

In all, 8 votes.

George Mitchell, having received a majority of the votes cast, was declared duly elected.

The President announced that, the business for which the Convention had assembled having been finished, the Convention was dissolved.

The members of Select Council retired from the Chamber.

Mr. Hacker,

On leave, offered the following

## Resolution:

*Resolved*, That when Common Council adjourn, it be to meet on Friday Afternoon, at 3 o'clock, to take up the Appropriation Bills now on file, and other business if time

allows; and that it is the opinion of this Council that we should adjourn from day to day, (except Saturday and Sunday,) up to Wednesday next, 12th inst., inclusive.

Mr. Wetherill

Moved to amend, by striking out "3," and inserting "7."

Mr. Mascher

Moved to amend the amendment, by striking out "Friday," and inserting "Monday."

Which was not agreed to.

The question recurring on the amendment the yeas and nays were demanded by Messrs, Hacker and Mascher.

And were as follows:

YEAS:—Messrs. Brenan, Bobb, Case, Cooley, Cooper, Doerr, Ellis, Fitler, Harbert, Kelton, Krider, Manderfield, Mascher, M'Cahen, McIlvain, Morris, Moyer, Pugh, Rothermel, Rubicam, Shoch, Steelling, Uber, Walsh, Wetherill, Wildey.

NAYS:—Messrs. Brown, Bullock, Cattell, Comley, Conrad Osborn, Conrad Wm., Dickinson, Eckfeldt, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Handy, Harmer, Heins, Hodgdon, Hutchinson, Jones, Kelley, Kerr, Kersey, Ketcham, Manuel, McBride, Miller Geo. B., Nippes, Potter, Riley, Savage, Server, Simons, Smedley, Thompson, Wagner.

Yeas 26. Nays, 40.

So the amendment was not agreed to.

Mr. Bowker

Moved to amend by striking out the words, "and other business, if time allows."

Which was agreed to.

Mr. Kelley

Moved to amend by striking out the word "Saturday."

Which was not agreed to.

The Resolution as amended was adopted.

Mr. Bowker

On leave offered the following

## Resolution:

Relative to the Manayunk Poor House.

*Resolved*, That the Committee on City Property be, and they are hereby requested to inquire into the proper means of causing the completion of the sale of the property known as the Manayunk Poor House Property.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Moyer,

From the Committee on Trusts and Fire Department, presented a Report, with a Resolution annexed, entitled, "Resolutions relative to fire alarm bells in the Third and Fourth Fire Districts." (*See Appendix, No.* 79.)

And moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The First Resolution was read a second time.

Mr. Gordon

Moved to amend by inserting after the words "Fourth Street," the words, "and the bell of the Fairmount Engine Company on Ridge Road above Vine Street."

Which was agreed to.

The Resolution as amended was adopted.

The second Resolution was read a second time.

Mr. Heins

Moved to amend by striking out the words "Sixth Ward Station House in Cherry Street above Fourth Street," and inserting "Nineteenth Ward Station House."

Which was not agreed to.

The second Resolution was adopted.

Mr. Kelley

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Mayor be, and he is hereby directed to organize from the Police force, a body of not less than twenty-five nor more than fifty men, (who shall be experts in the management of steam machinery,) to be styled the "Engineer Corps," whose duty it shall be to attend all fires, and assist and superintend the working of the Steam Fire Engines, under such rules and regulations as may be prescribed by the Mayor, the Chief Engineer of the Fire Department, and the Fire Companies owning the Engines.

The Mayor may also, if in his judgment it may be advisable, detach a sufficient number of Policemen to take proper care of the horses that may be necessarily used in conveying the different Steam Engines to and from fires.

And moved to refer the same to the Committee on Trusts and Fire Department.

Which was agreed to.

Mr. Gordon

On leave offered the following

## Resolution:

Relative to certain outstanding Bills.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the several Departments of the City Government, (including the Board of Health and Board of Guardians of the Poor, and Department of Law) be, and they are hereby directed to present to Councils at their fourth stated meeting in January, a full and complete statement of all Bills, outstanding against their Department, giving a list of names, amounts, and for what purpose they were contracted.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon

On leave offered the following.

## Resolution:

Relative to certain furniture of Independence Hall.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that a joint Committee of three members from each chamber be appointed, to enquire what became of the Revolutionary furniture belonging in Independence Hall; and what means are necessary to be taken to have the same returned to the Hall, and report all the facts to Councils.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The President

Appointed Messrs. Gordon, Walsh and Smedley, the Committee under the Resolution.

Mr. Gordon

On leave, offered the following

## Resolution:

Relative to Special Legislation in reference to the City of Philadelphia.

*Whereas*, At every Session of the State Legislature, numerous applications from citizens of our City are made for acts of special legislation, which nearly always militate against the interests of the City at large. And whereas, the interests of the City demand additional legislation in regard to the manner of collecting and assessing taxes, and in regard to a permanent police, and to changes in the Departments of Poor and Health; therefore,

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That a Joint Select Committee of five from each chamber be appointed to draw up a Supplement to the Act of Consolidation, embracing all the legislation needed by the City in its several departments, and report the same to Councils at an early day for their approval; after which the said Committee shall proceed to Harrisburg, and have the same sanctioned by Act of Assembly. The said Committee are also hereby instructed to watch the course of legislation in Harrisburg, so far as it relates to matters connected with this City, and give notice to Councils from time to time of such proposed legislation.

And moved to proceed to the second reading and consideration of the same.

Which was not agreed to.

Mr. Potter

Moved to resume the consideration of a Resolution, entitled, "Resolution to authorize the Chief Commissioner of Highways to contract for cleansing the City."

Which was agreed to.

The First Resolution was again read.

Mr. Steelling

Offered the following amendment:

*Provided*, That the Supervisors of each Supervisor District, shall at least once in two weeks, make a report to the Chief Commissioner of Highways whether all the paved Streets, Alleys, and Courts, used as common cartways in his District, have been cleaned, and if not, it shall be the duty of said Chief Commissioner of Highways, within three days of said notice, to set a sufficient force at work and do the same, and deduct the cost thereof from the contract price for the cleaning of said district.

Mr. Bullock

Seconded by Messrs. Potter, Hacker, H. Miller, Brennan, Kelley, Gillingham, Walsh, French, Cooley, Heins, Kersey, Gamble, Dennis.

Moved the previous question.

On the question, "Shall the main question be now put?"

It was agreed to.

The question recurring on the amendment, it was agreed to.

On the adoption of the Resolution, the yeas and nays were demanded by Messrs. Gordon and Manuel.

And were as follows.

YEAS:—Messrs. Brennan, Bullock, Case, Cattell, Comly, Conrad Osborn, Cooley, Day, Dennis, Dickinson,

Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Jones, Kelley, Kelton, Kerr, Kersey, Ketcham, Manderfield, McBride, M'Cahan, McIlivan, Miller Geo. B., Miller Hiram, Nippes, Potter, Riley, Rothermel, Server, Smedley, Walsh, Wetherill, Wildey, Trego, *President.*

NAYS:—Messrs. Bowker, Conrad William, Steelling, Wagner.

Yeas, 47. Nays, 4.

So the First Resolution as amended was adopted.

The Second Resolution was again read.

Mr. Gordon

Moved to amend by striking out all after the word "Resolved," and inserting the following:

"That the Chief Commissioner of Highways be and he is hereby authorized to proceed with the cleansing of the Streets as has been done by the Department of Highways during the Months of October."

Mr. Bullock

Raised a point of order, objecting to the proposed amendment as inconsistent with and contrary to the intent and meaning of the Resolution just adopted.

The President

Decided that the point was well taken, and the proposed amendment out of order.

Mr. Potter

Moved to amend the Resolution, by striking out all after the word "Resolved," and inserting the following.

"That in the event of a failure upon the part of any of the above named contractors to offer the proper security, the Chief Commissioner of Highways, is hereby authorized

to invite proposals for doing the work, the bids to be accompanied with the names of the securities intended to be given for the faithful performance of the duties to be performed under the contract, and that the Chief Commissioner of Highways be and he is hereby authorized to employ men and carts under the supervision of the supervisor for taking up the coal ashes until the conclusion of the contracts.

Mr. Gordon

Moved to amend the amendment by adding the following.

*Provided*, that the securities shall be submitted to Councils for their approval, and no contract shall be considered binding until such securities are confirmed by Councils.

Which was agreed to.

The amendment as amended was not agreed to.

Mr. Day

Seconded by Messrs. Kerr, Dickinson, Cooley, Kelley, Bulloch, Kersey, Ellis, French, Walsh, Gamble, Harbert, Riley, Fisher, Cattell, Fish.

Moved the previous question.

Which was agreed to.

The Second Resolution was adopted.

The Third Resolution was again read.

Mr. Gordon

Moved to strike out the words "City Solicitor," and insert "Select and Common Councils,"

Mr. Potter

Seconded by Messrs. Wetherill, Gillingham, O. Conrad, Dickinson, Walsh, French, Ellis, Kelley, Kerr, Smedley, Cattell, Fish and Fisher.

Moved the previous question.

Which was agreed to.

The amendment was not agreed to.

On the adoption of the Resolution the yeas and nays were demanded by Messrs. Gordon and Manuel.

And were as follows:

YEAS:—Messrs. Bullock, Cattell, Comley, Conrad Osborn, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Haas, Hacker, Handy, Harbert, Heins, Kelley, Kelton, Kerr, Kersey, Manderfield, McBride, Miller George B., Miller Hiram, Nippes, Potter, Riley, Rothermel, Server, Smedley, Wagner, Walsh, Wetherill, Wildey, Trego, *President.*

NAYS:—Messrs. Bobb, Conrad William, Hunter, Krider, McIlvain, Steelling.

Yeas, 41. Nays, 6.

So the Resolution was adopted.

The Title was adopted.

Select Council informed that they had passed a Resolution, entitled, "Resolution relative to the Governor's approval of Passenger Railway Bills." in which they ask concurrence.

Mr. Wetherill

Moved to proceed to the Second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Kelley

Offered the following preamble and Resolution, to wit:

*Whereas*, Owing to the variation of the Grades of the Southwark Railroad, and the Street Grades, along which said Railroad passes and crosses, at various points, gutters both deep and dangerous are found; which it is the obvious and plain duty of the City authorities to have remedied, in order that the trade and travel of the public may be accommodated without unnecessary obstruction. Be it therefore

*Resolved*, That the Chief Engineer and Surveyor be instructed to cause an examination to be made of the grades of the Southwark Railroad, on Washington Avenue and Swanson Street, with a view to ascertain what variation there is between said grades and the grades of Washington Avenue, and the Streets crossing said Railroad from north to south.

Which was referred to the Committee on Surveys.

Select Council informed that they had concurred in the Resolution entitled, "Resolution to prepare contracts for the construction of certain culverts," with the following amendments, in which they ask concurrence,

Amend the second Resolution, by striking out after "Chief Engineer and Surveyor," the words "*and the Chief Commissioner of Highways and City Solicitor.*"

Mr. Wagner

Moved that this Council concur in the amendment.

Which was agreed to.

Also, that they had received a Report from the Committee on Railroads, with a Resolution entitled, "Resolution, to authorize the construction of an additional Railroad track for the City, on Dock Street," which they have passed, and ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was again read.

Mr. Gordon

Moved to amend, by adding the following,

*Provided*, "That the Pennsylvania Railroad Company shall pay the City the sum of three thousand dollars for said privilege."

Which was not agreed to.

Mr. Hacker

Moved to postpone the further consideration of the Resolution.

Which was agreed to.

Mr. Brenan

Offered the following

## Resolution

*Resolved*, That the Commissioner of Highways be, and is hereby authorized to have an Inlet constructed at the corner of Passyunk Road and Marriotts Street, Second Ward.

Which was referred to the Committee on Highways.

A message was received from Select Council informing Council that they had passed a Bill, entitled, "An Ordinance, supplementary to an Ordinance, entitled 'An Or-

dinance to regulate Passenger Railways,' approved July 7, 1857," in which they ask concurrenco.

Also, that they have passed a Bill, entitled, "An Ordinance, to make an appropriation to the Guardians of the Poor," in which they ask concurrence.

Also, that they have concurred in the Bill, entitled, "A further Supplement to An Ordinance, approved January 19, 1856, entitled, 'An Ordinance, to License and Regulate Pawnbrokers.' "

Also, that they have passed a Resolution, entitled, "Resolution, relative to interments," in which they ask concurrence.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## FRIDAY, January 7, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, William,
Cooley,
Dennis,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harmer,
Heins,
Hodgdon,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Mascher,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Nippes,
Potter,
Pugh,
Riley,
Shoch,
Smedley,
Steelling,
Thompson,
Wagner,
Wildey,
Wister,

Mr. Mascher

Moved that in the absence of the President, Mr. Potter take the Chair.

Which was agreed to.

Mr. Hacker

Moved to proceed to the consideration of the amendments of Select Council to the Bill, entitled, "An Ordinance to make an appropriation to the Department of the Receiver of Taxes for the year 1859," to wit:

Amend Item 5, by striking out "six hundred," and inserting "nine hundred."

Also, amend the enacting clause, by striking out "nineteen thousand one hundred dollars," and inserting "nineteen thousand four hundred dollars."

Which was agreed to.

The amendments were read.

Mr. Hacker

Moved to concur in the amendments.

Which was agreed to.

The same gentleman

Moved that Council proceed to the further consideration of the Bill reported from the Committee of the Whole, on the 22d of December last, with amendments, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Property for the year 1859."

Which was agreed to.

The first amendment by the Committee of the Whole, to strike out "five," and insert "four," before the word "thousand," in Item No. 21, being under consideration.

Which was agreed to.

The second amendment of the Committee of the Whole, to wit:

Add to the proviso to the First Section, as follows:

"*And Provided further*, That not more than one-half of the sum appropriated to each and every Item in this Ordinance, shall be expended previous to July 1, 1859."

Which was not agreed to.

Mr. Kelly

Moved to amend the First Section as follows:

Add after Item 24.

25. To pay for additional gas lamps in Jefferson Square, four hundred and seventy-five dollars, ($475.)

Mr. Dennis

Moved to amend the amendment by striking out all after the number 25, and inserting,

"For placing lamps in Logan, Rittenhouse, and Jefferson Squares, one thousand dollars, to be equally apportioned among said Squares."

On this motion, the yeas and nays were demanded by Messrs. Steelling and Case.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Brown, Bullock, Cattell, Conrad Osborn, Dennis, Eckfeldt, Fisher, Gamble, Gheen, Gordon, Haas, Harmer, Hutchinson, Kelley, Kerr, Kersey, Ketcham, Mascher, McIlvain, Pugh, Riley, Shoch, Simons, Thompson.

NAYS:—Messrs. Bobb, Bowker, Case, Conrad Wm., Cooley, Ellis, Fish, French, Gay, Hacker, Handy, Heins, Hodgdon, Krider, Luther, Manuel, Miller Hiram, Nippes, Potter, Smedley, Steelling, Wagner.

Yeas, 25. Nays, 22.

The amendment as amended, was agreed to.

Mr. Gay

Moved to amend, by adding at the end of the Section, the following:

*Provided*, "That fifteen hundred dollars of Item 21 be specially set apart for the purpose of cleansing the snow from the pavements of City property."

Which was not agreed to.

Mr. Bullock

Moved to amend the First Section, by striking out the "Proviso following Item No. 19."

Which was agreed to.

Mr. Bowker

Moved to amend, by inserting the following, as Item 26,

"For removing the Clock in the Market House, at Front and Market Streets, and placing it on the Station House in the Twenty-first Ward, one hundred dollars."

Mr. Wagner

Moved to amend, by striking out "one hundred," and inserting "fifty."

Which was agreed to.

The amendment as amended, was agreed to.

Mr. Steelling

Moved to strike out so much of the Proviso of the Ordinance, as relates to Items 16 and 21.

Which was agreed to.

Mr. Gordon

Moved to amend, by adding the following, as Item 27,

"For cutting a door-way through the west side of Common Council Chamber, and for fitting up a Committee Room for Conncils, and Offices for the Clerks of Common and Select Councils; the same to be done under the control and express direction of the Committee on City Property, the sum of $500."

Which was agreed to.

Mr. Hacker

Moved to amend the aggregate amount in the first clause, by striking out "sixty-five thousand and twenty-nine dollars," and inserting "sixty-six thousand five hundred and seventy-nine dollars."

Which was agreed to.

The First Section as amended was agreed to.

Mr. Hacker

Moved to add the following as Section Second.

SECTION 2, That the further sum of $5,394 98 be, and the same is hereby appropriated, to pay the outstanding Bills of the year 1858, to wit:

| | |
|---|---|
| To Peter Rogers, for work and materials furnished Law Buildings, - - | $1 62 |
| To William Barnes, for work &c., done, and materials furnished at Germantown Hall, | 10 00 |
| To paving before the Coloured School, Sixth above Lombard, - - - | 18 36 |
| To Thomas Mansfield, paving in Eighth Ward as per bill, - - - - | 276 69 |

To City of Philadelphia, for laying pipe, as per bill, 82 50

" " " " 149 59

" " " " 206 48

To James A. Freeman, for advertising and leasing Tobacco Warehouse, - - - 67 00

To John Lentz, for 1 ton of Coal for Wire Bridge, 3 25

To Cyrus D. Green, for work and materials furnished Northern Liberty Hall, - 3 27

To J. M. Christopher, clearing snow from Public Squares as per bill, - - - 14 38

To Trustees of the Philadelphia Gas Works, for Gas as per bill rendered to January 1, 1859, 2,415 33

To miscellaneous Gas bills from outer districts from 1855, to January 1, 1859, inclusive, say, 2,000 00

To Cornelius & Baker, repairing gas fixtures as per bill, - - - - 1 00

To H. P. Sampson, for services, Independence Hall, - - - - 86 89

To David Sower, for labor in removing City Hospital - - - - 12 00

To Alloway Yerkes, for labor in removing City Hospital, - - - - 6 75

To Peter Waterman, for labor in removing City Hospital, - - - - 3 75

To Peter Young, for labor in removing City Hospital, - - - - 6 62

To Wm. H. Conrad, for labor in removing City Hospital, - - - - 29 50

Which was agreed to.

The same gentleman

Moved that the Second Section of the original Bill be made the Third Section.

Which was agreed to.

The Third Section was agreed to.

The Title was read.

Mr. Hacker

Moved to amend by adding the words, "and also to pay outstanding bills against said Departments."

Which was agreed to.

The Title as amended was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was then read a third time and passed.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 33 on Common Council File, entitled,

"AN ORDINANCE

to make an appropriation to the Clerks of Councils, for the expenses of Councils for the year 1859."

Which was agreeed to.

The First Section of the Bill was read.

Mr. Miller

Moved to strike out Item 6, "For recording ordinances, seven hundred and fifty dollars."

Which was agreed to.

Mr. Brennan

Moved further to amend by striking out from Item 3, "For Binding Journals, Ordinances &c." the words "two thousend six hundred," and inserting "fifteen hundred,"

Mr. Miller

Moved to postpone the further consideration of the amendment and the Bill, for the purpose of taking up Bill No. 38, on Common Council File, entitled

"AN ORDINANCE

to make an appropriation to the Department of Surveys, for the year 1859."

Which was agreed to.

The First Section was read.

Mr. Hutchinson

Moved to amend by striking out Item 16, "for arrangement of grade upon the City Avenue &c." "three hundred dollars," and inserting as follows.

"For the arrangement of grade regulation upon the 9th Section of Blockley as directed by Resolutions of Councils, approved June 3d, 1857, $650 00."

Mr. Mascher

Asked for a division of the question, the question being on the first member of the motion, "to strike out,"

It was agreed to.

Mr. Miller

Moved to postpone the further consideration of the Bill for the present

Which was agreed to.

Mr. H. Miller

Moved that Council adjourn until Monday next at 3 o'clock, P. M., and that the Clerk be directed to issue notices to the members to that effect.

Which was agreed to.

Mr Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## MONDAY, January 10, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Messrs. Holmes,
House,
Hutchinson,
Jones,
Kelley,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Potter,
Pugh,
Riley,
Savage,
Server,
Smedley,
Steelling,
Wagner,
Walsh,
Wildey,
Wister,
Wright,
Trego, *President.*

Mr. Hacker

Moved to resume the consideration of Bill No. 38, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Surveys for the year 1859."

Which was agreed to.

The question recurring on the amendment pending at the last adjournment,

It was agreed to.

Mr. Hutchinson

Moved to amend by striking out Item 19, "For plan and grade regulations of the unsurveyed portion of the late District of West Philadelphia, &c., three hundred dollars."

Which was agreed to.

The same gentleman

Moved to insert as Item 19, the following: "For new surveys, and work that may be ordered in 1859, two thousand dollars."

Mr. Potter

Moved to amend the amendment by striking out "two thousand," and inserting "fifteen hundred."

Which was agreed to.

The amendment as amended was agreed to.

Mr. Hutchinson

Moved further to amend by adding as Item 24, the following:

24. For information relative to drainage, location, and state of culverts, $500 00.

Which was not agreed to.

The same gentleman

Moved to amend Item 17, by striking out the words, "and grade regulations."

Which was agreed to.

The first clause was amended so as to read $25,400 as the sum of appropriations.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was then read a third time and passed.

Mr. Jones

Moved to proceed to the second reading and consideration of Bill No. 27, entitled,

"AN ORDINANCE

to make an appropriation for the expenses of the Police Department for the year eighteen hundred and fifty-nine.

Which was agreed to.

The First Section was read.

Mr. Pugh

Moved to amend by adding as Item 23, the following.

23. For Culvert or Drain at Eighth District Station House, two hundred dollars.

Which was agreed to.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to,

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Bullock

Moved to proceed to the second reading and consideration of Bill No. 30, on Common Council file entitled,

"AN ORDINANCE

to make an appropriation to the Department of Highways, Bridges, Sewers and cleansing the City."

Which was agreed to.

Mr. Potter

Moved to go into Committee of the whole on said Bill for the purposes of general amendment.

Which was not agreed to.

Mr. Handy

Moved to amend Item 4, by striking out "$35,000" and inserting "$40,000."

Which was not agreed to.

Mr. Wister

Moved to amend Item 2 by striking out "$110,000," and inserting "$85,000."

Mr. Cooley

Moved to amend the amendment by striking out "$85,000" and inserting "75,000."

Which was agreed to.

The amendment as amended was agreed to.

Mr. Steelling

Moved to amend the Third Item by striking out "$30,000" and insesting "$20,000."

Mr. Harmer

Moved to amend the amendment by striking out "$20,000" and inserting "$35,000."

Which was not agreed to.

Mr. Mascher

Moved to amend the amendment by striking out $20,000, and inserting $25,000.

Which was not agreed to.

The amendment was not agreed to.

Mr. Wister

Moved further to amend the Item by inserting that "ten thousand dollars be expended in the Twenty-first, Twenty-second and Twenty-third Wards."

Which was not agreed to.

Mr. Cooley

Moved to amend Item 8, "For cleansing Streets and Market Houses, sixty thousand dollars," by striking out "sixty," and inserting "fifty."

Mr. Steeling

Moved to amend the amendment by striking out "fifty" and inserting "Forty."

Which was not agreed to.

The amendment was agreed to.

Mr. Kelley

Moved further to amend by adding the following as Item 22.

22. "For placing iron plates over gutters at Street crossings, to be hereafter designated by Councils, three thousand dollars."

Which was not agreed to.

Mr. Smedley

Moved to amend Item 9, by adding after the word "cleansing" the words "and repairing," and by striking out "five" before "thousand," and inserting "ten."

Which was agreed to.

Mr. Pugh

Moved to amend Item 18, by striking out "twelve," and inserting "six" before the word hundred.

Which was not agreed to.

Mr. Bullock

Moved to amend by inserting the following as Item 22.

22. "For Sign-boards for names of Streets, $1,200."

Mr. Gordon

Moved to amend, by adding "provided they be of iron."

Which was not agreed to.

Mr. Mascher

Moved to amend the amendment, by striking out "twelve," and inserting "six."

Which was agreed to.

The motion as amended, was agreed to.

Mr. Mascher

Moved to amend, by striking out Item 14, for grading Girard Avenue, &c.

Which was not agreed to.

Mr. Harmer

Moved to amend, by adding, as Item 23, the following:

23. "To Jno. Nolen, for Grading east Washington Lane, Twenty-second Ward, six hundred dollars."

Which was agreed to.

Mr. Luther

Moved to amend, by striking out Item 16, "for building Bridge over Frankford Creek," &c., $8,000.

Which was not agreed to.

Mr. Steelling

Moved to amend Item 7, "For repairs to Culverts, &c.," by striking out "twenty thousand," and inserting "fifteen thousand."

Which was not agreed to.

The same gentleman

Moved further to amend the First Section, by adding the following, as Item 24,

"Item 24, for reducing the Grade of Culvert Street, between Poplar and Apple Streets, three hundred dollars, provided no damages are claimed."

Which was not agreed to.

The Section was further amended, by making the total appropriations, "$342,700."

And was agreed to, as amended.

The Second Section was read.

Mr. Hacker

Moved to amend, by striking out the figure 8, after the word "Items."

Mr. Bullock

Moved to amend the amendment, by striking out the whole Section.

Which was not agreed to.

The amendment was then withdrawn.

Mr. Riley

Moved to amend, by striking out the figure "3," after the word "Items."

Which was not agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time, and passed.

Mr. Cooley

Offered the following

# Resolution:

*Resolved*, That when we adjourn, we adjourn to meet on to-morrow (Tuesday,) afternoon, at 3 o'clock, for the purpose of resuming the consideration of the Appropriation Bills, for 1859.

Mr. Baird

Moved to strike out "afternoon at 3," and insert "evening at 7."

Which was agreed to.

The Resolution as amended, was agreed to.

Mr. Handy

Moved to proceed to the second reading and consideration of a Message from Select Council, informing Council that they have received a Report from the Committee on Schools, with a Bill, entitled, "An Ordinance, to make an appropriation to the Board of Controllers of Public Schools of the First School District, of Pennsylvania, for the purpose of defraying the cost of maintaining and managing the Schools in the said District, for the year 1859,"

Which they have referred to the Committee on Finance, with instructions to Report an additional sum of $2,400, to be applied to the payment of the Salaries of a Professor of French and a Professor of Latin, in the High School, in which they ask concurrence.

Mr. Kelley

Moved to concur.

Which was agreed to.

Mr. Handy

Offered the following

## Resolution:

*Resolved*, "That the Committee on Finance be instructed to inquire what sum has been appropriated during the past year, beyond the annual appropriation, for Poor purposes, for 1858, and report what extra allowance for the Poor rates for 1859, should be made to the Districts in the 21st, 22nd, and 23d Wards, which support their own poor.

Which was referred to the Committee on Finance.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

TUESDAY, January 11, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Dickinson,
Ellis,
Fisher,
French,
Gamble,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
House,
Hutchinson,
Kelley,
Kerr,
Kersey,
Krider,
Luther,
Manderfield,
Mascher,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Rubicam,
Server,
Simons,
Smedley,
Thompson,
Wagner,
Wetherill,
Wister,

Trego, *President*.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 39, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Inspectors of the County Prison for the year 1859."

Which was agreed to.

The First Section was read.

Mr. Hacker

Moved to amend by adding as Item No. 35.

"For placing an Iron Railing in front of the County Prison, $3,000. Provided that the same shall be constructed under contract with the lowest bidder."

Which was not agreed to.

Mr. Ellis

Moved to amend Item 2, by striking out, "six hundred," and inserting "one hundred."

Which was not agreed to.

Mr. Wetherill

Moved to amend Item 21, by striking out "$2,500," and inserting "$2,100."

Which was not agreed to.

Mr. Gordon

Moved to amend Item 22, by striking out "one thousand," and inserting "five hundred."

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time, and passed.

Mr. Gordon

From the Committee on Public Schools, on leave, presented a report from that Committe, with a Bill annexed, entitled

"AN ORDINANCE

to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania, to pay Bills contracted prior to the first day of January one thousand eight hundred and fifty nine."

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section of the Bill was read a second time.

Mr. Wetherill

Moved to postpone the further consideration of the Bill for the present, and that it be printed.

Which was agreed to.

Mr. Gordon

Asked leave to withdraw the Bill.

Mr. Wetherill

Moved to re-consider the vote on postponing the Bill.

Which was agreed to,

The same gentleman.

Moved that the member presenting the report, and Bill, have leave to withdraw the same.

Which was agreed to.

And the Report and Bill were withdrawn.

Mr. Bullock

Moved to proceed to the second reading and consideration of Bill No. 42, on the Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to Department of Market Houses for the care and management of the Wharves and Landings, belonging to the City, for the year 1859."

Which was agreed to.

The Frst Section was again read.

Mr. Baird

Moved to amend by adding the following Item.

6. "For Auctioneers fees, two hundred and fiifty dollars."

Which was agreed to.

The same gentleman

Moved further to amend the Section, by striking out the words "two thousand nine hundred and twenty-nine" before the word dollars, and inserting "three thousand one hundred and seventy-nine."

Which was agreed to.

The First Section as amended, was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time, and passed.

Mr. Potter,

From the Committee on Finance, on leave, Reported a Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department for supplying the City with Water, for the year 1859."

Which was laid on the table and ordered to be printed.

Mr. Bullock

Moved to proceed to the second reading and consideration of Bill No. 44, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Health, for the expenses of that Department, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section was again read.

Mr. Gordon

Moved to amend the Section, by adding the following:

*Provided*, That the City Controller shall not audit any Bills under this Ordinance, until said Bills are signed by a majority of the Standing Committee on Health, of Councils.

Which was agreed to.

Also,

To amend, by striking out of Item 39, for carriage hire, &c., "two hundred," and inserting "one hundred."

Which was agreed to.

Also,

To strike out of Item 40, "one hundred," and insert "fifty."

Which was agreed to.

Also,

To strike out of Item 41, the word "fifty," and insert "twenty-five."

Which was agreed to.

Also,

To strike out of Item 42, the wor s "two hundred," and insert "one hundred."

Which was agreed to.

Also,

To strike out Item 44.

Which was agreed to.

Mr. Cooley

Moved to strike out Item 22, "for carrying infected vessels back to quarantine, two hundred and fifty dollars."

Which was not agreed to.

Mr. Gordon

Moved to strike out the words "and incidentals," from

Item 14, and to strike out the words "two hundred," and insert "one hundred."

Which was not agreed to.

Mr. Cooley

Moved to amend Item 43, by striking out "one hundred and fifty," and inserting "five hundred."

Which was not agreed to.

Mr. Brenan

Moved to amend by inserting the following after Item 38 as Item 39, and altering the numbers of the Items following to correspond with this arrangement.

39. For good will, rent and repairs of City Hospital Building, one thousand and eighteen dollars and sixty-four cents.

Which was agreed to.

The First Section as amended was agreed to.

Mr. Potter

Moved to amend the appropriating clause by striking out $30,700 00 and inserting $31,343 64.

Which was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Hacker

Moved that when this Council adjourns, it will adjourn to meet to-morrow afternoon at three o'clock.

Mr. Kelley

Moved to amend by striking out "three" and inserting "five."

Which was not agreed to.

Mr. Pugh

Moved to amend by striking out "three" and inserting "seven."

Which was not agreed to.

The question recurring on the original motion, the yeas and nays were demanded by Messrs. Kelly and Brenan

And were as follows:

YEAS:—Messrs. Baird, Bowker, Bullock, Case, Conrad Osborn, Cooley, Dickinson, Ellis, Fisher, Gordon, Hacker, Harbert, Heins, Hodgdon, Mascher, Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Rubicam, Simons, Thompson, Wagner, Wetherill, Trego, *President.*

NAYS:—Messrs. Brenan, Cooper, Gamble, House, Hutchinson, Kelley, Kerr, Kersey, Krider, Manderfield.

Yeas, 27. Nays, 10.

A quorum of members not being present, the motion was not agreed to.

Mr. Kelly

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## WEDNESDAY,—January 12, 1859.

A Special Meeting of Common Council was held this day, in conformity with the following call, to-wit:

Hon. Chas. B. Trego,

*President of Common Council.*

Dear Sir:

The undersigned respectfully request the President of Common Council, to call a Special Meeting for 3 o'clock, on Wednesday Afternoon, to consider the Appropriation Bills for 1859.

Wm. P. Hacker,
Lewis S. Heins,
Jno. P. Wetherill,
John Bowker,
S. H. Case,
M. H. Dickinson,
C. C. Server,
Abraham Nippes,
Alex. L. Hodgdon,
Myers C. Fisher,
Jona. Bullock,
Thomas Potter,
A. B. Cooley.

*Jan.* 11, 1859.

Gen. Wm. F. Small,

*Clerk of Common Council.*

Sir:—Please call a Special Meeting of Common Council, in conformity with the above request.

Chas. B. Trego,

*Jan.* 11, 1859. *President of Common Council.*

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Andress, | Messrs. | Krider, |
| | Baird, | | Luther, |
| | Bowker, | | Manderfield, |
| | Bullock, | | Manuel, |
| | Case, | | Mascher, |
| | Cattell, | | McBride, |
| | Conrad, Osborn, | | McClean, |
| | Dennis, | | Megary, |
| | Dickinson, | | Miller, Geo. B., |
| | Eckfeldt, | | Miller, Hiram, |
| | Ellis, | | Mingle, |
| | Enyard, | | Nippes, |
| | Fish, | | Pugh, |
| | Fisher, | | Riley, |
| | French, | | Savage, |
| | Gamble, | | Server, |
| | Gheen, | | Shoch, |
| | Gillingham, | | Simon, |
| | Gordon, | | Simons, |
| | Handy, | | Smedley, |
| | Harbert, | | Steelling, |
| | Heins, | | Thompson, |
| | Hodgdon, | | Wagner, |
| | Hunter, | | Walsh, |
| | Jones, | | Wildey, |
| | Kelley, | | Wister, |
| | Ketcham, | | Wright, |

Trego, *President.*

The President

Announced the object of the Meeting.

Mr. Wright,

On leave, presented a petition from the Hibernia Fire Engine Company, asking pecuniary aid, to assist them in the purchase of horses, &c.

Which was referred to the Committee on Trusts and Fire Department.

Mr. H. Miller

Moved to proceed to the second reading and consideration of Bill No. 45 on Common Council File, entitled,

"AN ORDINANCE

to make an appropriation to the Department for supplying the City with Water, for the year Eighteen Hundred and Fifty-nine."

Which was agreed to.

The First Section of the Bill was again read.

Mr. Bowker

Moved to postpone the further consideration of the Bill.

Which was not agreed to.

Mr. Mascher

Moved to strike out of Item 40 the word "fifty" before "thousand," and insert the words "forty-five."

Which was not agreed to.

Mr. Gordon

Moved to amend by adding the following at the end of the Section.

*Provided*, That all iron pipes purchased by the Water Department shall be of Pennsylvania Iron, manufactured within the limits of this State; and the Controller shall audit no bills for iron pipes purchased out of the State."

Mr. Ellis

Moved to amend the amendment by striking out the word "Pennsylvania," and insert the word "American,"

and to strike out the words "this State" and insert "the United States."

Which was agreed to.

Mr. Luther,

Seconded by Mr. Krider, moved a reconsideration of the vote just taken.

Which was agreed to.

The question recurring on the amendment to the amendment, the yeas and nays were demanded by Messrs. Gordon and Wildey.

And were as follows:

YEAS:—Messrs. Baird, Bullock, Case, Cattell, Dickinson, Ellis, Enyard, Fish, Fisher, French, Gillingham, Handy, Harbert, Heins, Kelley, Miller Hiram, Nippes, Server, Simons, Steelling, Thompson, Walsh.

NAYS:—Messrs. Bowker, Conrad Osborn, Dennis, Eckfeldt, Gheen, Gordon, Hodgdon, Hunter, Ketcham, Krider, Luther, Manderfield, Manuel, Mascher, McBride, Megary, Pugh, Riley, Savage, Schoch, Simon, Smedley, Wagner, Wildey, Trego, *President.*

Yeas, 22. Nays, 25.

Mr. Pugh

Moved to amend the amendment by adding the following.

*And further provided*, That they furnish the water pipe as cheap as the same may be had from other States."

Which was not agreed to.

The question recurring on the amendment the yeas

and nays were demanded by Messrs. Mascher and Gordon

And were as follows:

YEAS: Messrs. Andress, Bowker, Conrad Osborn, Gheen, Gorden, Hodgdon, Hunter, Ketcham, Krider, Luther, Manderfield, Manuel, Mascher, McBride, Megary, Pugh, Riley, Savage, Shoch, Simon, Smedley, Wildey.

NAYS:—Messrs. Baird, Bulloch, Case, Cattell, Dickinson, Ellis, Enyard, Fish, Fisher, French, Gamble, Gillingham, Handy, Harbert, Heins, Kelley, Miller Geo. B., Miller Hiram, Nippes, Server, Simons, Steelling, Thompson, Wagner, Walsh, Trego, *President*,

Yeas, 22. Nays, 25.

So the amendment was not agreed to.

Mr. H. Miller

Moved to amend the Section by adding the following at the end thereof.

*Provided*, That the contract for Iron pipes shall not be made until the proposals for the same shall be submitted to Councils, and by them approved.

Mr. Baird

Moved to amend the amendment by striking out all after the word Provided, and inserting the following

That before any contract shall be entered into for supplies of Tallow Oil Coal and Iron Pipe, as contemplated by Items 22, 23, 24, 25, 27, 28, 29, 30, and 40, or any purchases made therefore, it shall be the duty of the Chief Engineer to receive sealed proposals after public advertisements in two daily newspapers not less than one week daily in each, which said proposals shall be opened in presence of the Committee on Water Works, and be reported with all the bids to Councils for their approval.

Which Mr. Miller accepted.

It was agreed to.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to,

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

The Bill was read a third time and passed.

Mr. Mascher

Read in his place, and presented to the Chair, a Bill entitled,

"AN ORDINANCE

regulating the purchase of coal."

Which was laid on the table, and ordered to be printed and placed on file. (*See Appendix, No.* 80.)

Mr. Gamble

Read in his place, and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

providing for the payment of the Police Magistrates for their official duties."

Which was referred to the Committee on Finance.

Mr. Riley

Presented a Petition asking that Market Street, in West Philadelphia, may be made a stand for market wagons.

Which was referred to the Committee on Markets.

Mr. Bowker

Moved to proceed to the second reading and consideration of Bill No. 43 on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation for the expenses of the Law Department for the year 1859."

Which was agreed to.

The First Section was read.

Mr. Kelley

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Mr. Pugh

Presented a petition from John McCloud for damages for widening Penn Street, in the 14th Ward.

Also,

A Petition of similar import from Jacob Opperman.

Which were referred to the Committee on Markets.

Mr. Fish

Moved to proceed to the Second reading and consideration of Bill No. 41, on Common Council File, entitled

"AN ORDINANCE

to make an appropriation to the Department of Market Houses for the expenses thereof for the year 1859."

Which was agreed to.

The First Section was read a second time.

Mr. Gordon

Moved to strike out the proviso at the end of the Section.

Which was agreed to.

Mr. Kelley

Moved to amend by adding the following as Items 6 and 7.

6. "For the payment of the expense removing five sections of the Market Houses on Market Street, and re-erecting two of them on Moyamensing Avenue, and three on South Eleventh Street below Catharine, twelve thousand dollars."

7. "For removing two sections of the Market Houses on Market Street, and re-erect them on Market Street between Thirty-seventh and Thirty-ninth Streets in the Twenty-fourth Ward."

Which was not agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Walsh

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, January 13, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooper,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Messrs. Heins,
Hodgdon,
Hutchinson,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Savage,
Server,
Simons,

| | |
|---|---|
| Smedley, | Walsh, |
| Steelling, | Wetherill, |
| Thompson, | Wildey, |
| Uber, | Wister, |
| Wagner, | Wright, |

Trego, *President.*

Mr. G. B. Miller

Presented a Petition for the appointment of Public Corders of Wood.

Which was referred to the Committee on Wharves and Landings.

Mr. Cooper

Presented a Remonstance from the Perseverance Hose Company, against the removal of the Alarm Bell from the Sixth Ward Station House.

Mr. Luther

Presented a Petition from the Schuylkill Hose Company, asking to be provided with hooks and ladders.

Mr. Case

Presented a Petition of similar import from the Warren Hose Company.

Mr. Fisher

Presented a Petition from the South Penn Hose Company, asking that the Fire Alarm Bell of the Fourth District may be removed to a more central location.

Which were severally referred to the Committee on Trusts and Fire Department.

Mr. Wetherill

Presented a Petition from the Diligent Fire Engine Company, for a Fire Alarm Signal Box in their Engine House.

Which was laid on the table.

Mr. Dennis

Presented a Petition for a change of the name of a certain Street in the Tenth Ward.

Which was referred to the Committee on Highways.

Mr. Luther

Presented a Petition from Robert P. Harris, M. D., asking payment of his salary as Vaccine Physician in 1857.

Which was referred to the Committee on Claims.

Mr. Baird

Presented a petition from the Hope Hose Company, asking for a Fire Alarm Signal Box in their House.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Harmer

Presented a petition for a change of the names of Chestnut and Arch Streets, in the 22d Ward.

Which was referred to the Committee on Highways.

Also,

On leave offered the followin

## Resolution

Relative to Opening Willowgrove Avenue.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Chief Commissioner of Highways is hereby directed to give notice to owners of ground through, and over which Willow-grove Avenue, (Twenty-second Ward,) from Germantown, Main Street, to East Township Line Road will pass, that at the expiration of

three months from the service of said notice, the said Willow-grove Avenue will be opened for public use, as authorized by the 7th Section of the Act of Assembly, approved April 21, 1855.

Which was referred to the Committee on Highways.

Mr. Brown

Presented a memorial from the South Camden Ferry Company, asking to be remunerated for certain improvements at South Street Wharf, and that a certain Claim of the City may be equitably adjusted.

Which was referred to the Committee on Wharves and Landings.

Mr. Handy,

On leave, offered the following Preamble and

## Resolution:

Relative to State Taxes and City Loans.

*Whereas*, The 86th Section of the Act of General Assembly, of the State of Pennsylvania, approved May 18, 1857, provides, That hereafter, the Tax of three mills on the dollar, imposed upon Real and Personal Estate, by the 32nd Section and 34th Section of the Act, to reduce the State debt, &c., approved April 29th, 1844, be, and the same is hereby reduced to 2½ mills on the dollar, and

*Whereas*, The Auditor General of the State has construed the said Act of Assembly, so as not to allow the reduction from 3 mills to 2½ mills upon the funded debt of the City of Philadelphia, therefore,

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That our Representatives in the State Legislature, be requested to use their influence in favouring

the passage of an Act that shall more fully declare what is the meaning of the Act, approved May 18, 1857, reducing the State Tax to 2½ mills, and to favour such a construction of said Act, as will reduce the State Tax on the Loans of the City of Philadelphia.

And Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The Preamble was adopted.

And the Title was agreed to.

Mr. Manderfield

On leave, offered the following

## Resolution:

Relative to the speed of Locomotives in the City of Philadelphia.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the members of the Senate and House of Representatives from the City of Philadelphia, be requested to vote for the passage of a law regulating the speed of Locomotive Steam Engines, running through the populous parts of the City of Philadelphia.

*Proposed Act of Assembly.*

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same; that it shall not be lawful for the Philadelphia, Wilmington and Baltimore Railroad Company, or the Southwark Railroad Company, or any Railroad Company connected with them, or either of them, to run Locomotive Steam Engines or cars of any kind from the river Schuylkill to Broad Street in the City of Philadelphia, in less time than fifteen minutes, and any violation of

this law may be punished as a misdemeanor on an indictment against the Company so offending, in the Court of Quarter Sessions of Philadelphia City, with a fine not less than three, nor more than five hundred dollars.

SEC. 2. That from and after the passage of this Act, it shall not be lawful for the Philadelphia, Wilmington and Baltimore Railroad Company, or the Southwark Railroad Company, or any Railroad Company connected therewith, to run or use Locomotive Steam Engines on Washington Avenue in the said City of Philadelphia, lying east of the west line of Broad Street.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and referred to the Committee on Railroads.

The President

Submitted a Communication from the City Solicitor, containing the cost of construction of the Frankford and Southwark Passenger Railway Company, as filed in his office. (*See Appendix, No.* 81.)

Also,

A Communication from the same, with the cost of construction of the Second and Third Street Passenger Railway Company. (*See Appendix, No.* 82.)

Which were laid on the table and ordered to be printed.

Mr. Hutchinson,

On leave, offered the following

## Resolution:

*Resolved*, That the Police Committee be, and they are hereby requested to examine into the necessity of loca-

ting more lamps in the cross streets between Callowhill and Green Streets, in 15th Ward.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon

From the Committee on Poor presented the following Communication.

OFFICE OF THE GUARDIANS OF THE POOR,
*Philadelphia January* 13, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I herewith send you per Document No. 1, an account of the balances merged of the appropriation made to this Department for the year 1858, amounting to $8,172 59.

And per Document No. 2, an account of Bills laying over for payment, for which we respectfully ask an extra appropriation, namely,

To pay Bills for 1857, $273 75.

To pay Bills for 1858, $30,762 34.

I have also to Report to you the fact of a vacancy existing in the Board, on account of the resignation of John A. Fisher, Esq., of the Eighteenth Ward.

And also, that by a Resolution passed by the Board, I am instructed to withdraw the Item of appropriation for "$1,926 00, for Carriage hire for members in going to

and from the Almshouse," and to substitute therefore $600 00 for car tickets."

Yours Respectfully,

ISRAEL R. DEACON,

*Secretary.*

Together with the estimates of the expenses of the Department of Guardians of the Poor for the year 1859.

Which were referred to the Committee on Finance.

Mr. Gordon

From the Committee on Poor, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

providing for the relief of the Poor of the City of Philadelphia. (*See Appendix, No.* 83.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read a second time.

Mr. Wetherill

Moved to postpone the further consideration of the Bill indefinitely.

Which was not agreed to.

Mr. H. Miller

Moved to postpone for the present, and make it the order of the day for 5 o'clock for next Tuesday.

Which was agreed to.

Mr. Gordon

Presented a further Report from the same Committee with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor, for the year 1859." (*See Appendix, No.* 84.)

Which were referred to the Committee on Finance.

Mr. Gordon

Presented a further report from the Committee on Poor, of this Chamber, on the Bill from Select Council, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor for the purposes therein mentioned." (*See Appendix, No.* 85.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read, and not agreed to.

Mr. Gordon

Read in his place a Bill, entitled,

"AN ORDINANCE

to abolish the Board of Guardians of the Poor, and to re-establish the Department of Poor."

Which was referred to the Committee on Poor.

Mr. W. Conrad

From the Committee on Gas Works presented a report upon the character and condition of the investments of

the sinking fund of the Philadelphia Gas Works. (*See Appendix, No.* 86.)

Which was laid on the table and ordered to be printed.

Mr. Hacker

From the Committee on Finance, presented a Bill, entitled,

"AN ORDINANCE

to make an appropriation for furnishing gas, and lighting, inguishing, cleansing, and repairing the public lamps, for the erection of new lamps, for the year 1859." (*See Appendix, No.* 87.)

Which was laid on the table and ordered to be printed, and placed on file.

Mr. Moyer

Moved to resume the consideration of the Bill, entitled,

" AN ORDINANCE

to make an appropriation to defray expenses in the removal of certain Telegraph Boxes."

Which was agreed to.

The First Section was again read.

The question being upon the pending amendment.

Mr. Brenan

Moved to recommit the Bill to the Committee on Trusts and Fire Department.

Which was agreed to.

Mr. Gillingham

Moved to proceed to the second reading and consideration of a Bill, entitled,

"AN ORDINANCE

to locate Steam Fire Engines."

Which was agreed to.

The First Section was agreed to.

The Second Section was read.

Mr. Moyer

Moved to amend the Section by adding the following Companies: Vigilant Engine Company, Race below Second Street; Northern Liberty Hose Company, New Market Street between Coates and Brown Streets; Southwark Hose Company, Third Street between Lombard and South Streets.

Mr. Smedley

Moved to amend the amendment, by adding the following:

The Decature Engine Company of Frankford.

Which was not agreed to.

Mr. Pugh

Moved to amend the amendment, by adding, "The Fairmount Engine Company."

Which was not agreed to.

Mr. Bowker

Moved to amend the amendment, by adding "The Manayunk Engine Company."

Which was not agreed to.

Mr. Steelling

Moved to amend the amendment, by adding "The America Engine Company, Buttonwood Street, below 3d.

Which was not agreed to.

Mr. Gordon

Moved to amend the amendment, by adding "The Good Will Hose Company."

Which was not agreed to.

The amendment was agreed to.

Mr. Baird

Moved to further amend, by striking out the word "thirteen," and inserting "sixteen."

Which was agreed to.

The Section, as amended, was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Walsh

Moved to proceed to the second reading and consideration of the Resolution, suspending the Philadelphia Engine Company.

Which was agreed to.

The Resolution was read a second time, and adopted.

A message was received from Select Council informing Council that they had non-concurred in the amendments of Common Council to the Resolution, approving a draft of a Supplement to the Act of Consolidation, relative to the Guardians of the Poor and Board of Health.

Mr. Hacker

Moved that Council recede from the third amendment, to wit:

*Provided*, That one of said Guardians shall reside in the 1st or 2nd Wards; one in the 3rd or 4th Wards; one in the 6th or 7th Wards; one in the 8th or 9th Wards; one in the 10th or 11th Wards; one in the 13th or 14th Wards; one in the 15th or 16th Wards; one in the 17th or 18th Wards; one in the 19th or 20th Wards; one in the 21st Ward; one in the 22nd Ward; and one the 24th Ward.

Which was agreed to.

Mr. Wister

Moved that this Council adhere to the first amendment, to wit:

Strike out "Supreme Court of the State of Pennsylvania," and insert "Select Council," and to strike out the words, "City Councils in Joint Convention," and insert the words, "Common Council of the City of Philadelphia."

Which was agreed to.

Mr. Hacker

Moved that this Council recede from the second amendment, to-wit:

The said Guardians shall have power, and it shall be their duty to elect a suitable person whose duty it shall be to make all the purchases of articles necessary for the consumption, and for the support of the inmates of the

Almshouse; who shall, whenever he shall present a bill for articles so purchased, make oath or affirmation that said articles have been purchased at wholesale cash prices, and that he has received no compensation in the shape of commissions or gratuities or otherwise, and that said agent shall be required to give sufficient security, before entering on the discharge of his duties.

Which was agreed to.

Mr. Hacker

Moved that when this Council adjourn, it adjourn to meet on Monday next, at 3, P. M.

Mr. Kelley

Moved to amend by striking out "Monday," and inserting "Saturday."

Which was not agreed to.

Mr. Kelley

Moved to amend by striking out "3," and inserting "7."

Which was not agreed to.

Mr. Manderfield

Moved to amend by striking out "3," and insorting "6."

Which was not agreed to.

The Resolution was adopted.

A Message was received from Select Council, informing Council that they had received a Report from the Committee on Schools, with a Bill, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania, to pay bills contracted prior to the first day of January,

one thousand eight hundred and fifty-nine," which they had passed, and ask concurrence.

Mr. Gordon

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read.

Mr. H. Miller

Moved to postpone the further consideration of the Bill for the present, and that it be printed and placed on file.

Which was agreed to.

A Message was received from Select Council, informing Council that they had concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Inspectors of the County Prison for the year 1859," with the following amendments, in which they ask concurrence.

Amend in line 41, Item 32, by striking out "*two*" and inserting "*one.*"

In line 42, Item 33, by striking out "*and twenty.*"

By adding at the end thereof as follows:

"45. 35. *For repairs for floor and kitchen range in Debtors' Apartment, one hundred and twenty dollars.*

Mr. Dickinson

Moved that this Council concur in the amendments.

Which was agreed to.

A message was received from Select Council informing Council that they had concurred in the Resolutions, en-

titled "Resolutions to authorize the Chief Commissioner of Highways to contract for cleansing the City," with the following amendments, in which they ask concurrance.

Insert the words "double" after the words "equal to," in the first Section, so as to make it read, "in a sum equal to double the amount," &c.

Mr. Kerr

Moved that this Council concur in the amendment.

Which was agreed to.

Mr. Manderfield,

On leave, made a personal explanation relative to the Prison Agent and requested that the Clerk might read a letter from Mr. Wm. J. Mullen, said Prison Agent.

The request was granted, and the letter read.

A message was received from Select Council, informing Council that they had received a Report from the Committee on City Property with a bill entitled, "An Ordinance providing for the sale of the rights of the City, in a portion of Wallace Street, in the Fifteenth Ward, which they have passed, and ask concurrence.

The First Section was read.

Mr. Wetherill

Moved to postpone the further consideration of the Bill for the present, and that it be printed.

Which was agreed to.

Mr. Wister

Moved to proceed to the second reading and consideration of Bill No. 19, on Common Council File, entitled

"AN ORDINANCE }

relating to Sales for Taxes and Claims."

Which was agreed to.

The First Section was read.

Mr. Bullock

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

A message was received from Select Council, informing Council that they have concurred in the Bill, entitled, "An Ordinance, to make an appropriation for the relief of the widow of the late George Fink."

Also, that they have concurred in the Bill, entitled, "An Ordinance, to make an appropriation to the Board of Managers of Will's Hospital, for the use of said Hospital, for 1859."

Also, that they had passed a Resolution, entitled, "Resolution, to release the securities of Geo. Cubbles."

Also, a Resolution, entitled, "Resolution, to enter satisfaction on a certain Bond."

Also, a Resolution, entitled, "Resolution, to enter satisfaction on the Bonds of Israel N. Bell," in which they ask concurrence.

Also, that they have concurred in the Resolution, entitled, "Resolution, relative to State Taxes on City Loans."

Also, that they have concurred in the Resolution, entitled, "Resolution, to receive $11.000, on account of a mortgage held by the City of Philadelphia."

Also, that they have concurred in the Resolution, entitled, "Resolution, to authorize the Chief Commissioner of Highways to offer a reward for taking down or defacing Street names."

Also, that they have concurred in the Resolution, entitled, "Resolution, discharging the Committee on Wharves and Landings, from the further consideration of a proposition to purchase certain improvements at Chestnut Street Wharf.

Mr. Kerr

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## MONDAY, January 17, 1859.

Council met pursuant to adjournment.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Hutchinson, |
| | Brenan, | | Jones, |
| | Bowker, | | Kelley, |
| | Brown, | | Kerr, |
| | Bullock, | | Kersey, |
| | Case, | | Krider, |
| | Conrad, William, | | Luther, |
| | Cooper, | | Manderfield, |
| | Day, | | McBride, |
| | Dennis, | | Megary, |
| | Dickinson, | | Miller, Geo. B., |
| | Eckfeldt, | | Miller, Hiram, |
| | Ellis, | | Moyer, |
| | Fish, | | Nippes, |
| | French, | | Potter, |
| | Gamble, | | Pugh, |
| | Gillingham, | | Riley, |
| | Gordon, | | Savage, |
| | Haas, | | Simon, |
| | Hacker, | | Simons, |
| | Handy, | | Smedley, |
| | Harbert, | | Steelling, |
| | Harmer, | | Wagner, |
| | Heins, | | Wildey, |
| | Hodgdon, | | Wister, |

Trego, *President.*

Mr. Gordon

Presented a petition from the Good Will Hose Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Mr. Heins

Presented a petition from the Empire Hook and Ladder Company, asking compensation for introducing a Fire Alarm Signal Box into their house.

Which were referred to the Committee on Trusts and Fire Department.

The President

Submitted the following Communication:

*To the Honorable, the Common Council*
*of the City of Philadelphia*

GENTLEMEN:—The undersigned, having invented a Stand-pipe, to be used at fires, which, he feels assured, will assist in extinguishing conflagrations and in saving human life, respectfully invites your honorable body to examine said machine, at the Factory of Mr. John Agnew, Vine Street, below Tenth.

Very respectfully, yours, &c.,

AARON ROBERTS.

Mr. Gordon

Moved that said invitation be accepted.

Which was agreed to.

Mr. Gordon

Moved that Council resume the consideration of Bill No. 43, entitled,

"AN ORDINANCE

to make an appropriation for the expenses of the Law Department, for the year 1859."

Which was agreed to.

The question being on an amendment offered by Mr. Bullock, to amend the Second Item, by striking out "9,000" and inserting "2,500."

Mr. Bullock

Withdrew the amendment, and offered the following as a proviso to the same Item.

*Provided*, "The cost of advertising each lien Claim shall not exceed two dollars."

Mr. Steelling

Moved to amend the amendment by adding the following.

*And provided further*, that the City Solicitor in advertising Municipal Claims, shall publish the whole of any Claim against the whole of any unimproved lot, or piece of ground owned by the same individual, Firm, or Company, corporate or otherwise, in one Item or paragraph, in the most economical manner for the interests of the property owner and tax-payer.

Which was agreed to.

The amendment as amended, was agreed to.

Mr. Wagner

Moved to amend Item 2, by striking out "$9,000," and inserting "$6,000."

Which was not agreed to.

Mr. Megary,

Seconded by Mr. Bowker,

Moved to reconsider the vote upon the two Provisos just taken.

Upon this motion the yeas and nays were demanded by Messrs. Steelling and Brenan.

And were as follows.

YEAS:—Messrs. Baird, Bowker, Brown, Day, Dennis, Fish, French, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hutchinson, Jones, Kelley, Kerr, Kersey, Luther, Megary, Miller Geo. B., Moyer, Nippes, Potter, Riley, Savage, Simon, Simons, Smedley, Wildey, Wister.

NAYS:—Messrs. Brennan, Bullock, Case, Conrad William, Dickinson, Eckfeldt, Gamble, Hodgdon, Krider, McBride, Miller Hiram, Pugh, Steelling, Wagner, Trego, *President.*

Yeas, 32. Nays, 15.

So the motion was agreed to.

Mr. Potter

Moved to postpone the further consideration of the Bill until Thursday next.

Which was not agreed to.

The question recurring on the Provisos.

The yeas and nays were demanned by Messrs. Steelling and Brenan.

And were as follows:

YEAS: Messrs. Brenan, Bullock, Case, Conrad William, Dickinson, Eckfeldt, Gillingham, Hodgdon, Krider, Manderfield, McBride, Steelling, Wagner.

NAYS: Messes. Baird, Bowker, Brown, Cooper, Dennis, Fish, French, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hutchinson, Jones, Kelley, Kerr, Kersey, Luther, Megary, Miller Hiram, Moyer Nippes, Potter, Pugh, Riley, Savage, Simon, Simons, Smedley, Wildey, Wister, Trego, *President.*

Yeas, 13. Nays, 34.

So the amendment was not agreed to.

The Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time, and passed.

Mr. Hacker

Moved that Council resume the consideration of Bill, No. 33, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Clerks of Councils, for the expenses of Councils, for the year 1859."

Which was agreed to.

The First Section was again read.

Mr. Steelling

Moved to amend Item 2, by striking out "$10,500," and inserting "$7,500."

Which was not agreed to.

Mr. Brenan

Moved to amend Item 3, by striking out "$2,600," and inserting "$1,600."

Which was not agreed to.

Mr. Kelley

Moved to amend by inserting as "Item 9, for compiling, printing, and binding municipal code, $4,500."

Mr. Wister

Moved to amend the amendment, by striking out "$4,500," and inserting "$6,500."

Which was not agreed to.

Mr. Handy

Moved to amend the amendment, by striking out "$4,500," and inserting "$2,500."

Which was not agreed to.

The question recurring on the amendment,

It was not agreed to.

Mr. Bowker

Moved to amend Item 4, by striking out "$7,000," and inserting "$6,000."

Mr. Heins

Moved to amend by inserting as "Item 6, for recording Ordinances, $745."

Which was not agreed to.

Mr. Heins

Moved to amend by striking out "$30,970," and insert "$30,220," and to alter the number, of the Items to correspond with previous amendmends.

Mr. Walsh

Moved to amend by adding the following:

"Item 9, And that the sum of eighty dollars, be paid to B. G. Y. Wilks, President of Beck's Philadelphia Band, for services rendered in Common Council chamber, and in Washington Square on the 5th day of July last."

Which was not agreed to.

Mr. Pugh

Moved to amend by adding the following:

*Provided*, That no part of the appropriations Nos. 2 and 3, for printing and binding, shall be expended until the Clerks shall have advertised for proposals, in two daily papers for one week; which proposals shall be approved by Councils, before the contract shall be awarded.

Mr. Pugh

Moved to postpone the further consideration of the Bill, for the present.

On this question, the yeas and nays were demanded by Messrs. Pugh and Manderfield,

And were as follows:

YEAS:—Messrs. Dickinson, Ellis, Fish, Gamble, Gordon, Haas, Kelley, Pugh, Steelling, Walsh, Trego, *President.*

NAYS:—Messrs. Baird, Bowker, Case, Conrad Wm., Cooper, French, Gillingham, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Jones, Kerr, Kersey, Ketcham, Krider, Luther, Manderfield, Megary, Miller Geo. B., Moyer, Nippes, Potter, Riley, Simon, Smedley, Wagner, Wetherill, Wildey, Wister.

Yeas, 10. Nays, 34.

No quorum voting, the question was undecided.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned

## WEDNESDAY, January 19, 1859

A Special Meeting of Common Council was held this day, in conformity with the following call, to wit :

Hon. Chas. B. Trego,

*President of Common Council.*

Dear Sir:

The undersigned respectfully request the President of Common Council, to call a Special Meeting of Common Council, for Wednesday Afternoon, January 19th, at 3 o'clock, to consider appropriation Bills for 1859.

Wm. P. Hacker,
Geo. B. Miller,
Joseph Megary,
Lewis S. Heins,
Wm. J. Gillingham,
John Krider,
Solomon Wagner,
J. P. Wetherill,
John Bowker,
Richard Wildey,
Samuel H. Case,
Abraham Nippes,
Mathias Haas,

*Jan.* 17, 1859.

Gen. Wm. F. Small,

*Clerk of Common Council.*

Sir:—Please call a Meeting of Common Council, in accordance with the above request.

Chas. B. Trego,

*Jan.* 17, 1859. *President of Common Council.*

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Kelley, |
| | Brenan, | | Kerr, |
| | Bobb, | | Ketcham, |
| | Bowker, | | Krider, |
| | Bullock, | | Manderfield, |
| | Case, | | Manuel, |
| | Cattell, | | McIlvain, |
| | Conrad, William, | | Miller, Geo. B., |
| | Cooley, | | Moyer, |
| | Cooper, | | Nippes, |
| | Dennis, | | Potter, |
| | Dickinson, | | Pugh, |
| | Enyard, | | Riley, |
| | Eckfeldt, | | Roats, |
| | Fish, | | Rubicam, |
| | French, | | Savage, |
| | Gamble, | | Server, |
| | Gheen | | Simons, |
| | Gillingham, | | Smedley, |
| | Gordon, | | Steelling, |
| | Hacker, | | Thompson, |
| | Harbert, | | Wagner, |
| | Harmer, | | Walsh, |
| | Heins, | | Wetherill, |
| | Hodgdon, | | Wildey, |
| | Hunter, | | Wister, |
| | Hutchinson, | | Wright, |
| | Jones, | | Trego, *President.* |

Mr. Gordon

Presented the deficiency Bills from the Department of Schools.

Which was referred to the Committee on Schools.

Mr. Hacker

Moved to resume the consideration of the Ordinance making an appropriation to the Clerks of Councils.

Mr. Pugh

Withdrew his amendment to the amendment.

Mr. Heins

Withdrew his amendment.

The question recurring on the Proviso offered by Mr. Pugh, the yeas and nays were demanded by Messrs. Pugh and Steelling

And were as follows:

YEAS:—Messrs. Baird, Brenan, Cooley, Cooper, Dennis, Enyard, Fish, French, Gamble, Harbert, Heins, Hodgdon, Hunter, Kelley, Manuel, McIlvain, Nippes, Pugh, Roats, Steelling, Thompson, Walsh, Trego, *President.*

NAYS:—Messrs. Bobb, Bowker, Bullock, Case, Conrad Wm., Eckfeldt, Gheen, Gillingham, Hacker, Harmer, Hutchinson, Kerr, Krider, Manderfield, Miller Geo. B., Moyer, Potter, Rubicam, Savage, Server, Smedley, Wagner, Wildey.

Yeas, 23. Nays, 23.

The Proviso was not agreed to.

Mr. Pugh

Offered the following:

*Provided*, That these appropriations shall be divided and expended monthly.

Which was not agreed to.

Mr. Pugh

Moved to amend Item 3 by striking out "two thousand six hundred," and insert "eighteen hundred."

Which was agreed to.

Mr. Steelling

Moved to strike out "ten thousand five hundred," and insert "seven thousand" of Item 2.

Which was not agreed to.

Mr. Bowker

Moved to strike out "10,500" and insert "9,500."

Which was agreed to.

Mr. Baird

Moved the following.

*Provided*, That all printing, stationery, and binding required under this Ordinance, shall be done by contract, and the clerks advertise for proposals for the same.

Which was not agreed to.

Mr. Potter

Offered the following,

*Provided*, That no greater number of copies of the Journals and Ordinances be printed and bound, than will come within the sum appropriated.

Which was agreed to.

Mr. Bowker

Moved to strike out "7,000" and insert "6,500" of Item 4.

Which was not agreed to.

Mr. Heins

Moved to amend the First Section by making the sum of $28,420 and alter the numbers of the items.

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. Hacker

Moved to proceed to the second reading of Bill No 40, making an appropriation to the Department of City Commissioners.

Which was agreed to.

Mr. Jones

Moved to amend Item 4, to strike out "6" and insert "3."

Mr. Steelling

Moved to amend to strike out Item 4.

Which was agreed to.

The amendment was agreed to.

Mr. Jones

Moved to strike out Item 8.

Which was agreed to.

Mr. Steelling

Moved to amend Item 21, to strike out "7,000" and insert "6,000."

Which was agreed to.

Mr. Bowker

Moved to amend Item 19, to strike out "8,000" and insert "7,000."

Which was agreed to.

Mr. Potter

Moved to amend Item 44, to strike out "5,000" and insert "2,000."

Which was agreed to.

Mr. Potter

Moved to amend Item 45, to strike out "1,500" and insert "750."

Which was agreed to.

Mr. Pugh

Moved to amend by striking out Item 65, Recorder of Deeds.

Which was agreed to.

Mr. Heins

Moved to amend to strike out Item 66.

Which was agreed to.

Mr. Savage

Moved to amend Item 67, to strike out "1,500" and insert "2,500."

Which was not agreed to.

Mr. Steelling

Moved to amend by striking out 1,500, and insert 1,000.

Which was not agreed to.

Mr. Gamble

Moved to amend Item 17 by striking out 1,000, and insert 500.

Which was not agreed to.

Mr. Riley

Moved to amend Item 26 by adding the following:

*Provided*, That the making out, indexing and comparing tax duplicates, and all work to be done as provided for in Item 24, shall be done by authority, and under the management of the City Controller.

Which was agreed to.

Mr. Harmer

Moved to amend by adding the following at the end of the proviso at the close of the first section.

And the proposals for supplies by contract shall be opened in the presence of a joint Committee of four, two from Select and two from Common Councils.

Which was agreed to.

Mr. Fish

Moved to amend by striking ont Item 35.

Which was agreed to.

Mr. Potter

Moved to amend Item 60 by striking out 22,500, and insert 25,000.

Which was not agreed to.

Mr. Wright

Moved to amend the proviso to Item 67, by adding the words "for one week," after the daily.

Which was agreed to.

Mr. Riley

Moved to amend Item 13 by striking out 10,000, and insert 8,500.

Which was agreed to.

Mr. Steelling

Moved to amend Item 46, by striking out 500 and insert 300

Which was agreed to.

Mr. Riley

Moved to amend Item 20, by striking out 7,000, and insert 6,500

Which was agreed to.

Mr. Steelling

Moved to amend Item 24 by striking out 600 and inserting 400.

Which was agreed to.

Mr. Kelley

Moved to amend Item 42 by striking out, "in not more than two daily newspapers."

Which was not agreed to.

Mr. Kelley

Moved to amend by adding the following after Item 43.

*And Provided*, that Items 42 and 43 shall be expended at no larger price than the usual advertising rates published in the newspapers in which the Proclamations may be inserted.

Which was not agreed to.

Mr. Wister

Moved to strike out Item 52.

Which was agreed to.

Mr. Kerr

Moved to strike out Item 53.

Which was agreed to

Mr. Kerr

Moved to amend Item 51 by striking out 700 and inserting 300.

Which was agreed to.

Mr. Potter

Moved to amend Item 63 by striking out 800 and inserting 500.

Which was agreed to.

Mr. Gordon

Moved to amend by adding the following to the Pro viso at the end of Section First.

*And Provided further*, that all bills contracted for under this Ordinance, shall be supervised by the joint committee of Councils on Law.

Which was agreed to.

Mr. Kerr

Moved to amend Item 30 by striking out 500 and inserting 300.

Which was agreed to.

Mr Steelling

Moved to amend Item 48, by striking out 800, and insert 600.

Which was agreed to.

Moved to strike out 16, and insert 12 in Item 48.

Which was agreed to,

Mr. Wetherill

Moved to amend Item 33 by striking out $12,650, and insert $12,500.

Which was not agreed to.

Mr. Gordon

Moved to amend Item 58 by adding between the words, "State and Hospital," the word "Lunatic."

Which was agreed to.

Also, to amend Item 56 by striking out 1,859 and insert 1,860.

Which was agreed to.

Mr. Heins

Moved to amend the Item by striking out 173,948, and insert 161,798 67.

Which was agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to proceed to the third reading of the same.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Pugh

Moved to discharge the Committee on Markets from consideration of the petitions of John McCloud and Jacob Opperman, for damages for widening Penn Street, and to refer them to Committee on Claims.

Which was agreed to.

Select Council informed that they had concurred in the Bill entitled, "An Ordinance to make an appropriation to the Department of Market Houses, for the care and management of the Wharves and Landings belonging to the City, for the year 1859."

Also, in the Bill entitled, "An Ordinance to make an appropriation to the Department of Market Houses, for the expenses therof, for the year 1859."

Also, in the Bill entitled, "An Ordinance to make an appropriation to the Department of Highways, Bridges, Sewers and cleaning the City, for the year 1359."

Also, in the Bill entitled, "An Ordinance to make an appropriation for the expenses of the Police Department for the year 1859."

Also, in the Bill entitled "An Ordinance to make an appropriation for the expenses of the Law Department, for the year 1859."

Also in the Bill entitled "An Ordinance to make an appropriation to the Board of Health, for the expenses of that Department for the year 1859."

Mr. Steelling

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY—January 20, 1859.

Council met,

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Case,
Comley,
Conrad, Osborn,
Conrad, Wm,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,

Messrs. Heins,
Hodgdon,
Hunter,
Hutchinson,
Kelley,
Kelton,
Kerr,
Ketcham,
Krider,
Luther,
Manderfield,
Mascher,
McBride,
McClean,
McDonough,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Savage,
Server,
Shoch,
Simons,

Messrs. Smedley, Steelling, Thompson, Uber, Wagner, Messrs. Walsh, Wetherill, Wildey, Wister, Wright,

Trego, *President.*

Mr. Krider

Presented a petition for permission to locate a Hook and Ladder Company in the vicinity of 16th and South Sts.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Walsh

Presented a petition for the paving of Stocker Street, between Carpenter and Prime Streets.

Which was referred to the Committee on Highways.

Mr. Heins

Presented a Bill from A. S. McMurray, for Medical Services, at the South-west Station House, in 1853.

Which was referred to the Committee on Claims.

Mr. Manuel

Presented a petition from several Fire Companies, asking that the Fourth District Fire Bell may be located in the house of the South Penn Hose Company.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Wildey,

On leave, offered the following

## Resolution:

*Resolved*, That the Select Council be invited to meet

this Council in Joint Convention, in Common Council Chamber, this afternoon at 5 o'clock, to elect a member of the Board of Guardians of the Poor, to fill a vacancy.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Harmer

Presented a petition for the grading of Manheim Street, in the Twenty-second Ward.

Also,

A petition for the opening and grading of Chew Street, in the Twenty-second Ward.

Which were referred to the Committee on Highways.

Mr. Kelley

Presented a petition for additional Markets in South Eleventh Street.

Which was referred to the Committee on Markets.

The President

Submitted the Annual Report of the Commissioners of the Sinking Fund. (*See Appendix, No.* 88.)

Which was laid on the table.

Also,

The Annual Report of the Managers of the Will's Hospital. (*See Appendix, No.* 89.)

Which was laid on the table.

Also,

The Annual Report of the City Controller. (*See Appendix, No.* 90.)

Which was laid on the table.

Also,

A Communication from the Judges of the Courts of Oyer and Terminer and Quarter Sessions, complaining of the inadequacy of the accommodations of the Court Rooms.

Which was referred to the Committee on City Property

Also,

The following communication:

OFFICE OF THE PHILADELPHIA GAS WORKS,
*January* 19, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I have been directed by the Trustees of the Philadelphia Gas Works, to inform you that the said Trustees agree to continue to light, extinguish, cleanse and repair the Public Lamps of the City, on the terms and conditions of the contract made March 19, 1856, as continued by Ordinance of January 4, 1859.

Yours, respectfully,

ANDREW C. CRAIG,

*President of the Trustees of Philadelphia Gas Works.*

Which was laid on the table.

Also,

A Communication from the President of the Frankford and Southwark Railroad Company, asking a re-consi-

deration of the recent action of Councils in relation to the removal of their Rails from certain streets.

Which was referred to Committee on Railroads.

Also,

A Communication from the Joint Committee to celebrate the successful laying of the Atlantic Telegraphic Cable. (*See Appendix, No.* 91.)

Mr. Wildey

Moved to proceed to the second reading and consideration of a Bill, on page 317, Appendix to Journal of Common Council, entitled,

"AN ORDINANCE

to make an appropriation to defray a part of the expenses that have been incurred in celebrating the successful laying of the Atlantic Telegraph Cable."

On this motion the yeas and nays were demanded by Messrs. Wildey and Mascher.

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Case, Comley, Conrad Osborn, Cooper, Dennis, Doerr, Eckfeldt, Fish, Fisher, Haas, Hacker, Harmer, Hodgdon, Manderfield, Megary, Miller Geo. B., Morris, Potter, Roats, Simons, Smedley, Thompson, Wagner, Walsh, Wildey, Trego, *President*.

NAYS:—Messrs. Cooley, Day, Ellis, French, Gamble, Gheen, Gillingham, Gordon, Harbert, Heins, Hunter, Kerr, Ketcham, Krider, Mascher, McBride, McClean, McDonough, Nippes, Pugh, Savage, Shoch, Steeling, Uber, Wetherill, Wister.

Yeas, 30. Nays, 26.

Two-thirds not having voted in the affirmative, the mtion was not agreed to.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, January* 20, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN,—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 10th inst., "A further supplement to an Ordinance approved January 19th, 1856, entitled 'An Ordinance to license and regulate Pawnbrokers.'"

On the 10th inst., "Resolutions to prepare contracts for the construction of certain Culverts."

On the 14th inst., "An Ordinance making an appropriation for the relief of the widow of the late George Fink."

On the 15th inst., "An Ordinance to make an appropriation to the Department of the Receiver of Taxes, for the year 1859."

On the 19th inst., "An Ordinance to make an appropriation to the Department of the City Controller, for the year 1859."

On the 19th inst., "An Ordinance to make an appropriation for the use of the Trustees of the City Ice Boat, for the year 1859."

On the 19th inst., "An Ordinance to make an appropriation to the Department of the City Treasury, for the year 1859."

On the 19th inst., "A Resolution to receive eleven thousand dollars on account of a mortgage held by the City of Philadelphia."

On the 19th inst., "An Ordinance to make an appro-

priation to the Board of Managers of Wills' Hospital, for the use of said Hospital for the year 1859."

On the 19th inst., "A Resolution to authorize the Chief Commissioner of Highways to offer a Reward for taking down and defacing street names."

On the 19th inst., the Resolution, "Relative to the Governor's approval of Passenger Railway Bills," passed on the 6th, and received on the 18th inst., was, in compliance with the requests of Councils, forwarded to the Governor of the Commonwealth.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Hacker

Presented a statement of the receipts and expenditures of the City of Philadelphia, from January 1, to December 31, 1858, both inclusive, in trust for the Girard Estate. (*See Appendix, No.* 92.)

Which was laid on the table.

Also,

From the Committee on Finance, two Bills, entitled,

1 "AN ORDINANCE

to make an appropriation to the Controllers of Public Schools, for the year 1859."

2. "AN ORDINANCE

to make an appropriation to the Guardians of the Poor, for the year 1859." (*See Appendix, No.* 93.)

Which were laid on the table and ordered to be printed, and placed on file.

Mr. W. Conrad

From the Committee on Gas Works, presented a report containing an Inventory of certain Gas Works. (*See Appendix, No.* 94.)

Which was laid on the table.

Mr. Wister

From the Committee on Law from this Chamber, to whom had been referred a Bill from Select Council, entitled,

"AN ORDINANCE

to provide for the appointment of Commissioners to digest and report a municipal code," reported said Bill with amendments. (*See Appendix, No.* 95.)

And moved to proceed to the second reading and consideration of the amendments.

Which was agreed to.

The amendments were read a second time.

Mr. Steelling

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Mr. Megary

Offered the following

## Resolution:

Relative to railway connections in the City of Philadelphia.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that our representatives at Harrisburg be, and they are hereby requested to use all honorable means to prevent the passage of a bill now before them, entitled, "An act to facilitate the transportation of Passengers and their baggage, from one railway Passenger Station to another, in the City of Philadelphia."

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Wister

Moved to postpone the further consideration of the Resolution indefinitely.

On this motion the yeas and nays were demanded by Messrs. Cooley and Megary.

And were as follows:

YEAS:—Messrs. Baird, Bobb, Case, Comley, Conrad William, Cooley, Dennis, Doerr, Ellis, Fisher, French, Gillingham, Haas, Hacker, Handy, Harbert, Harmer, Heins, Kelton, Kerr, Krider, Mascher, Miller Hiram, Potter, Riley, Roats, Savage, Server, Schoch, Simons, Smedley, Uber, Wister, Wright.

NAYS:—Messrs. Bowker, Conrad Osborn, Cooper, Day, Dickinson, Eckfeldt, Fish, Gamble, Gbeen, Hodgdon, Hunter, Kelley, Ketcham, Luther, Manderfield, McClean, McDonough, Megary, Miller George B., Moyer, Nippes, Pugh, Steelling, Wagner, Walsh, Wetherill, Wildey, Trego, *President.*

Yeas, 34. Nays, 28.

So the motion was agreed to.

Mr. McDonough

Offered the following

## Resolution:

Relative to the location of Markets.

*Resolved*, That a Committee of five from the First, Second, Third, Fourth, and Seventh Wards, be appointed to confer with the Market Committee, as to the most suitable place to locate the Markets contemplated to be erected, in the southern section of the City.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The President

Appointed the following gentlemen the Committee, under the Resolution, Messrs. McDonough, Simon, Kelley, Walsh, and Heins, to confer with the Committee on Markets.

Mr. Harmer

Offered the following

## Resolution

To give notice of the opening of Chew Street.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Chief Commissioner of Highways is hereby directed to give notice to owners of ground through and over which Chew Street (Twenty-second Ward) from Haines to Gorgas Street will pass, that at the expiration of three months from the service of said notice, the said Chew Street will be opened for public use as authorized by the 7th Section of the Act of Assembly, approved April 21st, 1855.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Smedley

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the

City of Philadelphia, that the Frankford and Southwark Railroad Company be granted permission to cross the curb and footway with the track of their road at Front and Chatham Streets for the purpose of getting access to their property on Front Street.

Which was referred to the Committee on Railroads.

Also,

The following

## Resolution:

Relative to Turnpikes and Plank Roads.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that a Joint Special Committee of three from each Chamber be appointed to inquire into the expediency of purchasing, and upon what terms the City can become the owners of all (or such portions as they may deem advisable) of the Turnpikes and Plank Roads now within the City limits, for the purpose of making such roads free of toll

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted, and

The President

Appointed Messrs. Smedley, Jones, and Riley, as said Committee.

Mr. Potter

Moved to resume the consideration of Bill No. 4, on Select Council file, entitled, "An Ordinance Supplementary to an Ordinance, entitled, an Ordinance to regulate Passenger Railways, approved July 7, 1857."

Which was agreed to.

The First Section was again read.

Mr. Mascher

Moved to amend the 3rd clause by striking out "twenty," and inserting "ten."

On this motion the yeas and nays were demanded by Messrs Masher and Walsh.

And were as follows:

YEAS:—Messrs. Doerr, Fisher, Handy, Kelton, Mascher, Riley, Simons, Smedley, Walsh.

NAYS:—Messrs. Baird, Bobb, Bowker, Brown, Case, Comley, Conrad Osborn, Cooley, Cooper, Day, Dennis, Dickinson, Eckfeldt, Ellis, Fish, French, Gamble, Gheen, Gillingham, Gordon, Haas, Hacker, Herbert, Harmer, Heins, Hodgdon, Hunter, Kelley, Kerr, Ketcham, Krider, Luther, Manderfield, Manuel, McBride, McDonough, Megary, Miller Hiram, Moyer, Nippes, Potter, Pugh, Roats, Server, Shoch, Steelling, Thompson, Wagner, Wetherill, Wildey, Wister, Wright, Trego, *President.*

Yeas, 9. Nays, 54.

So the motion was not agreed to.

Mr. Gordon

Moved to amend the same clause by striking out "twenty," and inserting "thirty."

Which was not agreed to.

Mr. Pugh

Moved to amend clause "sixth" by striking out the word "will" and insert "shall" after the word "company."

Mr. Wister

Moved to amend the amendment by striking out the entire clause.

Which was agreed to.

Mr. Gamble

Moved to amend Item "Fifth" by adding at the end thereof.

*Provided*, however that all companies connecting with the *Second and Third Street* Railroad, shall run their cars on Second Street from north to south, and on Third Street from south to north, on the said Railroad.

Which was not agreed to.

Mr. Mascher

Moved to amend by striking out clause "Fourth."

On this motion the yeas and nays were demanded by Messrs. Mascher and Wister.

And were as follows:

YEAS:—Messrs. Brown, Comley, Conrad Osborn, Conrad William, Cooper, Day, Doerr, Dickinson, Ellis, Fisher, French, Gamble, Gheen, Gillingham, Handy, Harmer, Kelley, Kerr, Manderfield, Manuel, Mascher, McBride, McDonough, Megary, Morris, Moyer, Server, Shoch, Smedley, Walsh, Wildey, Wister, Wright.

NAYS:—Messrs. Baird, Bobb, Bowker, Case, Cooley, Dennis, Eckfeldt, Fish, Gordon, Haas, Hacker, Harbert, Heins, Hodgdon, Hunter, Kelton, Ketcham, Krider, Luther, Miller Hiram, Nippes, Potter, Pugh, Riley, Simons, Steelling, Thompson, Wagner, Wetherill, Trego, *President*.

Yeas, 33. Nays, 30.

*Mr. Gordons reasons for voting against Passenger Railroad Cars running on the Sabbath day.*

The following are my reasons for voting against strike-

ing out the Fourth clause in Section First, of the Ordinance regulating Passenger Railways now under consideration, to wit:

"*Fourth*, That no car shall be placed or run upon any Passenger Railway, on the day of the week commonly known as Sunday."

Which I desire to be entered on the Journal, as my right.

1. Because, The Jehovah of the Universe hath writ with his own finger, and proclaimed by ordained instrumentalities, this law, "Remember the Sabbath day to keep it holy, six days shalt thou labor and do all thy work; but the seventh day is the Sabbath of the Lord thy God; in it thou shalt not do *any* work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates; for in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day; wherefore the Lord blessed the Sabbath day and hallowed it." *Exodus, xx.*

"From the beginning of the world to the ressurection of Christ, God appoin ed the seventh day of the week to be the weekly Sabbath; and the first day of the week ever since, to continue to the end of the world, which is the christian Sabbath."

Therefore, to enact and declare by human law and legislation, that mankind have, and are, to be protected in the assumed right to do that which God has most positively forbidden; is to reble against God, is treason to his moral government, is an invasion of the empire of Jehovah, and will expose the City to the omnipotent retributions of the Eternal!

2. Because the desecration of the Sabbath has always brought with it an enumerable train of demoralizing influences; corrupting the fountains of public morality; weakening, and finally overthrowing the majesty of law;

corroding and rusting every social and political safe-guard of family and government, until the silver cords snap at the fountains, and the sweets of society are turned into wormwood and gaul, and licence overrides liberty; and crime confronts virtue, and order is lost in confusion.

2. Because—*The desecration of the Sabbath works out the debasement and enslavement of the working masses of the people;* it cuts off their opportunities for improvement, it withdraws them from the wellspring of joy, in their families, and the gushing fountains of salvation in the christain church; it compells the *few* to work for the pleasure of the *many*; it increases the power of capital, and destroys the vital power of labor; it reduces wages, by compelling a greater amount of work to be done by the same number of hands—Sabbath desecration is the deadly foe of the laboring masses; it has ever been the precursor of there prostration; destroying their health, morals, influense, intelect and ambition, crushing out noble desires and the upward struggle of the laboring masses, for more light, more leasure, more relief from toil and more enduring happiness. Human history and experience, as well as God's word glows with merriad facts to the same purpose as those I have stated. Therefore I have voted as I have, and hope ever to do so, when the question is between the Highest law of God, and the lowest law of men.

GEORGE F. GORDON.

Mr. Riley

Moved to amend clause second by inserting the words "two years," after the word "thereon."

Which was not agreed to.

Mr. Kelley

Moved to amend by striking out clause "two."

Which was not agreed to.

Mr. Gordon

Moved to postpone the further consideration of the Bill for the present, and that it be made the order of business for Thursday next at 4 o'clock.

Which was not agreed to.

Mr. Bowker

Moved to amend by adding the following, at the end of the Section.

*Provided*, That no car shall be placed or run on any Passenger Railway, on the day of the week commonly known as Sunday, between the hours of ten and three o'clock.

Which was not agreed to.

Mr. Cooley

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Fourth Section was agreed to.

The Fifth Section was agreed to.

Mr. Kelley

Moved to add the following, as

Sec. 6, That so much of the 3rd Section of the Or-

dinance approved July 7, 1857, to which this is a supplement, as provides that the Railroad Companies shall "pave" any street, be, and the same is hereby repealed.

Which was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Mascher

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Gordon and Cooley.

And were as follows:

YEAS:—Messrs. Baird, Brown, Comley, Conrad Osborn, Conrad William, Cooper, Day, Doerr, Dickinson, Ellis, Fisher, French, Gamble, Gheen, Gillingham, Haas, Hacker, Handy, Harbert, Hodgdon, Kelley, Kerr, Krider, Manderfield, Manuel, Mascher, McBride, McDonough, Miller Hiram, Nippes, Potter, Pugh, Server, Shoch, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wetherill, Wildey, Wister, Wright, Trego, *President.*

NAYS:—Messrs. Cooley, Eckfeldt, Fish, Gordon, Heins, Hunter, Kelton, Ketcham, Riley.

Yeas, 45. Nays, 9.

So the Bill passed.

Mr. H. Miller

Moved to resume the consideration of a Bill, entiteld

"An Ordinance providing for the sale of the rights of the City in a portion of Wallace Street, in the Fifteenth Ward.

Which was agreed to.

The Bill was again read.

Mr. H. Miller

Moved to refer it to a Select Committee of three.

Which was agreed to.

The President

Announced that he had appointed Messrs. Wetherill, Gordon and Kerr the Committee.

Mr. Hacker

Offered the following Resolution.

*Resolved*, That when Common Council adjourn it be to meet at 3 o'clock on Monday afternoon, 24th, inst. for the purpose of considering the appropriation Bills for 1859.

Mr. Gordon

Moved to amend by adding and for other business.

Which was not agreed to·

Mr. Wetherill

Moved to amend by striking out "3," and inserting "7."

Which was not agreed to.

The Resolution was agreed to.

A Message was received from Select Council informing Council that they had passed a Resolution, entitled, "Resolution authorizing the Clerks of Councils to publish a notice to the public," in which they ask concurrence.

Also, that they have referred a Resolution, entitled, "Resolution relative to the Fifth and Sixth Street Passenger Railway Company," to the Committee on Railroads, with instructions to report at the next meeting of Councils, in which they ask concurrence.

Also, that they have received a Report from the Committee on Retrenchment and Reform, with a Resolution, entitled, "Resolution on the subject of printing authorized by the Clerks of Councils," which they have passed, and ask concurrence.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, January 24, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Conrad, William,
Cooley,
Cooper,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hunter,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Riley,
Savage,
Simons,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,

Trego, *President.*

Mr. Gordon

Moved that Council resume the consideration of Bill, No. 49, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania, to pay bills contracted prior to the first day of January, 1859.

Which was agreed to.

Mr. Mascher

Moved to amend by striking out, "Item 4, to pay house cleaners salaries, $1,027 50."

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Gordon

Moved to proceed to the consideration of a Bill on page 317, Appendix to Journal of Common Council, entitled,

"AN ORDINANCE

to make an appropriation to defray a part of the expenses

that have been incurred in celebrating the successful laying of the Atlantic Telegraph Cable."

Which was not agreed to.

Mr. Hacker,

On leave, offered the following

## Resolution:

To release certain Real Estate of Philip B. Mingle from the lien of a certain Judgment.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be, and he is hereby authorized and directed to release the following described property of Philip B. Mingle from the lien of a Judgment entered in the Supreme Court to January Term, A. D. 1859, No. 25, to wit: "All that certain three story brick building and piece of ground, situate on the east side of Seventh Street below Cherry (No. 73) containing 18 feet on said Seventh Street, and in length or depth 86 feet."

Which was referred to the Committee on Finance.

Mr. Hacker

Moved to proceed to the consideration of Bill No. 49 on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllers of Public Schools, of the First School District of Pennsylvania."

Which was agreed to.

The Bill was read a second time.

Mr. Potter

Moved to go into Committee of the whole for purposes of general amendment.

Which was agreed to.

And Mr. Mascher was called to the chair.

After some time the Committee rose, reported progress, and asked leave to sit again.

Mr. Bullock

Moved that the Committee have leave to sit again at the next meeting of this Council.

Which was agreed to.

Mr. Kerr

Moved that when this Council adjourn, it adjourn to meet to-morrow afternoon at 3 o'clock.

Mr. Gamble

Moved to amend by striking out "3" and inserting "7."

Which was agreed to.

The motion as amended was agreed to.

Mr. Baird

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Clerks of Councils be, and they are hereby authorized to purchase or complete a full sett of the printed Journals of the City of Philadelphia, at a cost not exceeding one dollar and twenty-five cents for each volume purchased.

And moved to proceed to the second reading and consideration of the same.

Which was not agreed to.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## TUESDAY, January 25, 1859.

Council met pursuant to adjournment.

Members present:

| | |
|---|---|
| Messrs. Baird, | Messrs. Hutchinson, |
| Brenan, | Kerr, |
| Bobb, | Krider, |
| Bowker, | Luther, |
| Brown, | Manderfield, |
| Case, | Mascher, |
| Cattell, | Miller, Geo. B., |
| Conrad, Osborn, | Miller, Hiram, |
| Conrad, William, | Moyer, |
| Cooley, | Nippes, |
| Cooper, | Potter, |
| Dennis, | Riley, |
| Dickinson, | Simons, |
| Ellis, | Smedley, |
| Fish, | Steelling, |
| Gamble, | Thompson, |
| Gheen, | Wagner, |
| Gordon, | Walsh, |
| Handy, | Wetherill, |
| Heins, | Wildey. |
| Hodgdon, | Wister, |
| Hunter, | Trego, *President.* |

A quorum of Members not being present

Mr. Mascher

Moved to adjourn.

Which was agreed to.

And Council adjourned

## THURSDAY—January 27, 1859.

Council met,

Members present:

Messrs. Baird,
Brenan,
Bowker,
Brown,
Case,
Cattell,
Comley,
Conrad, Osborn,
Conrad, Wm.,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,

Messrs. Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McClean,
McDonough,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Moyer,
Nippes,
Potter,
Pugh,
Riley,

| | |
|---|---|
| Messrs. Roats, | Messrs. Thompson, |
| Rothermel, | Wagner, |
| Rubicam, | Walsh, |
| Server, | Wetherill, |
| Simons, | Wildey, |
| Smedley, | Wister, |
| Steelling, | Wright, |

Trego, *President.*

Mr. Kelley

Presented a Remonstrance against the election of a certain gentleman as a Director of the Sunbury and Erie Railroad.

Which was laid on the table.

Mr. Cooper

Presented a Petition from the Assistance Fire Engine Company, asking that a Telegraphic Signal Box may be placed in their house.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Cooley

Presented a Petition from the Philadelphia and Camden Ferry Company, asking a reduction of their wharf rent.

Which was referred to the Committee on Wharves and Landings.

Mr. Nippes

Presented a Petition from the Friendship Fire Engine Company, asking that a Telegraphic Signal Box may be located in their house.

Mr. Fish

Presented a Petition from the Washington Hook and Ladder Company, asking to be admitted into the Fire Department.

Which were severally referred to the Committee on Trusts and Fire Department.

Mr. H. Miller

Presented a proposition from the City Market Company, to rent rooms for the City Government in their new market building.

Which was referred to the Committee on City Property.

Also,

A Petition for Market Houses on Spring Garden Street between Eighteenth and Twentieth Streets.

Which was referred to the Committee on Markets.

Mr. Hunter

Presented a Petition from the Kensington Fire Engine, asking to be admitted into the Fire Department.

Which was referred to the Committee on Trusts and Fire Department.

Also,

A Petition for gas lamps on Mount Vernon west of Broad Street.

Which was referred to the Committee on Police.

Mr. Potter

Presented a Report from the Trustees of the Northern Liberties Gas Company. (*See Appendix No.* 96.)

And offered the following

## Resolution

Relative to the Northern Liberties Gas Company.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that a Joint Committee of four from

each Chamber be appointed to consider the subject suggested by the Trustees of the Northern Liberties Gas Company, and to confer with the said Trustees thereupon.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Hodgdon

Presented a Petition for the paving of William Street from Frankford Road to Trenton Avenue.

Also,

A Petition for the paving of Cambria Street from Frankford Road to Trenton Avenue.

Also,

A Petition for the paving of Auburn Street from Frankford Road to Trenton Avenue.

Mr. Doerr

Presented a Petition for the paving of Hope Street in the Nineteenth Ward, without the water pipe being laid.

Mr. House

Presented a Petition to grade Linden Street from Richmond Street to the River Delaware.

Which were severally referred to the Committee on Highways.

The President

Submitted the following Communication:

*To the Common Council of the City of Philadelphia.*

GENTLEMEN:—I am directed by the "Board of Trus-

tees of the City Ice Boat," to ask of Councils authority to employ council to assist the City Solicitor in defending the suit brought against the City of Philadelphia, by the commercial Insurance Co., for the loss of the Brig Evergreen in 1857, for which an appeal has been taken from the District Court, where a verdict was given against the City for $9,000; it is an important case to the City and the commerce of the Port of Philadelphia.

JOHN DEVEREUX,
*President of Board of Trustees.*

Which was referred to the Committee on Wharves and Landings.

Also,

The following Communication:

*Philadelphia January* 27, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—In answer to your Resolution of October 28th, 1858, calling for "a full statement of all the trusts under my charge." I beg leave to say that I have not the time at my disposal to perform the work, and ask authority to employ a clerk, and suppose the expenses would be from one hundred and fifty to two hundred dollars.

Respectfully submitted by your obediant servant,
CHARLES OAT,
*Superintendent of Trusts.*

Which was referred to the Committee on Trusts and Fire Department.

Also,

A Communication from the agent of the Girard Estates. (*See Appendix, No.* 97.)

Which was laid on the table.

Also,

The annual Report of the Trustees of the Philadelphia Gas Works. (*See Appendix, No.* 98.)

Which was laid on the table.

The first annual message of his honor, Alexander Henry, the Mayor of the City of Philadelphia, was received. (*See Appendix, No.* 99.)

Which was laid on th able.

Mr. Maschér

Moved that five hundre copies of the Mayor's message be printed.

Which was agreed to.

Mr. Gordon

Offered the following:

## Resolution.

*Resolved*, That the Select Council be invited to meet this Council in joint Convenion at 5 o'clock, Jan. 27, to elect three Directors to the "Sunberry and Erie Railroad," and three Directors for the North Western Railroad Company.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Wildey,

Offered the following amendment.

And also a member of the Board of Guardians of the Poor, to fill a vacancy from the 18th Ward.

Mr. Cooley

Moved to amend the amendment by striking out all after the word "resolved," and inserting the following:

By the Select and Common Councils of the City of Philadelphia, that the Mayor be, and he is hereby authorized and requested to represent the City in voting for managers of the Sunbury and Erie Railroad Company at the coming election of said Company.

Which was not agreed to.

The amendment was agreed to.

The Resolution as amended was adopted.

Mr. Hacker

From the Committee on Finance presented a Bill entitled,

"AN ORDINANCE

to make an appropriation to the Fire Department for the year 1859."

Which was laid on the table, and ordered to be printed and placed on file.

Mr. Hacker

Moved that the Chamber resolve itself into Committee of the whole to resume the consideration of Bill No. 49, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllars of the Public Schools of the first School District of Pennsylvania, for the year 1859."

Which was agreed to.

The Committee of the whole resumed its session, Mr Mascher in the chair.

After some time the Committee rose and reported the Bill with sundry amendments.

The amendments made by the Committee of the Whole were read,

And the consideration of the Bill on second reading was resumed.

Mr. Bowker

Moved to amend by adding the following as Item 255.

255. For constructing and building a new stairway for the Green Lane School House, Twenty-first Section, eighteen hundred dollars.

Which was agreed to.

A Message was received from Select Council, informing that they had concurred in the Resolutiou to meet in Convention this afternoon.

The President and Members of Select Council were in oduced.

And being assembled in Convention,

The President

Stated the object thereof.

The Convention proceeded to the election of three Directors of the Sunbury and Erie Railroad Company.

The Clerks, acting as Tellers, reported that 69 votes had been cast, of which

Select Council,

Messrs. Benton, Bradford, Cuyler, Foster, Kline, and Wharton, *Pres't*,

6, voted for Thomas L. Kane, James D. Whetham, and Harry Connelly.

Common Council,

Messrs. Brenan, Day, Handy, Kelley, McClean, Megary, and Thompson.

7, voted for Thomas L. Kane, James D. Whetham, and Harry Connelly.

In all, 13 votes.

Select Council,

Messrs. Davis, Enos, Ford, Leidy, Neal, and Parker,

6, voted for Alexander Cummings, Joseph R. Flanigen, and John M. Riley.

Common Council,

Messrs. Bowker, Case, Cattell, Conrad Osborn, Conrad William, Cooper, Dennis, Dickinson, Eckfeldt, Fish, Fisher, Gamble, Gordon, Haas, Hacker, Harmer, Heins, House, Hunter, Jones, Kelton, Kersey, Krider, Luther, Manuel, Miller Geo. B., Miller Hiram, Moyer, Potter, Pugh, Riley, Rothermel, Server, Smedley, Steelling, Wagner, Wetherill, Wildley, and Trego, *Pres't.*

38, voted for Alexander Cummings, Joseph R. Flanigen, and John M. Riley.

In all, 44 votes.

Select Council,

Mr. Schofield,

1, voted for Thomas L. Kane, James D. Whetham, and Alexander Cummings.

Common Council,

Messrs. Bobb and McIlvain.

2, voted for Thomas L. Kane, John Robbins, Jr., and James D. Whetham.

Messrs. Cooley and Rubicam.

2, voted for John M. Riley.

Messrs. Enyard, McBride, and McDonough.

3, voted for John Robbins, Jr., James D. Whetham, and Harry Connelly.

Mr Gay,

1, voted for John Robbins,Jr., John G. Brenner, and Samuel Megarge.

Mr. Gillingham,

1, voted for Alexander Cummings, John M. Riley and Thomas L. Kane.

Mr. Kerr,

1, votod for Harry Connelly.

Mr. Mascher,

1, voted for John G. Brenner, Thomas L. Kane, and Harry Connelly.

Mr. Walsh,

1, voted for John Robbins, Jr., Thomas L. Kane, and Harry Connelly.

Messrs. Alexander Cummings, Joseph R. Flanigen, and John M. Riley, having received a majority of all the votes cast, were declared duly elected Directors of the Sunbury and Erie Railroad Company for one year.

The Convention then proceeded to the election of three Directors of the North Western Railroad Company.

The Clerks acting as Tellers, reported that 70 votes had been cast, of which

Select Council,

Messrs. Beideman, Benton, Bradford, Cuyler, Foster, Kline, Schofield, and Warton, *Pres't.*

8, voted for John Robbins, Jr., John G. Brenner, and Samuel Megarge.

Common Council,

Messrs. Enyard, Gay, Handy, and Walsh.

4, voted for John Robbins, Jr., John G. Brenner Samuel Megarge,

In all, 12 votes.

Select Council,

Messrs. Cornman, Davis, Enos, Ford, Leidy, Neal, Parker, and Read.

8, voted for Robert S. Reed, George W. Hacker, and James W. Conrad.

Common Council,

Messrs. Bowker, Case, Cattell, Conrad Osborn, Conrad Wm., Cooper, Dennis, Dickinson, Eckfeldt, Fish, Fisher, French,Gamble, Gillingham, Haas, Hacker, Heins, House, Hunter, Jones, Kersey, Krider, Luther, Manuel, Miller George B., Miller Hiram, Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Russell, Server, Smedley, Steelling, Wagner, Wetherill, Wister, and Trego, *President.*

40, voted for Robert S. Reed, George W. Hacker, and James W. Conrad.

In all 48 votes,

Common Council,

Mr. Baird,

1, voted for John G. Brenner, Samuel Megarge, and Stephen N. Winslow.

Messrs. Brennan and Thompson,

2, voted for John Robbins, Jr., Samuel Megarge, and Stephen N. Winslow.

Mr. Cooley,

1, voted for George W. Hacker, and James W. Conrad.

Mr. Gordon,

1, voted for George W. Hacker.

Mr. Kelley,

1, voted for Stephen N. Winslow, Thomas M. Coleman, and John Smith.

Mr. Mascher,

1, voted for Samuel Megarge, Stephen N. Winslow, and Thomas M. Coleman.

Mr. McDonough,

1, voted for John Robbins, Jr., John G. Brenner, and Stephen N. Winslow.

Mr. Megary,

1, voted for John Robbins, Jr., Stephen N. Winslow, and Thomas M. Coleman.

Mr. Wildey,

1, voted for George W. Hacker, James W. Conrad, and Stephen N. Winslow.

Messrs. Robert S. Reed, George W. Hacker, and James W. Conrad, having received a majority of all the votes cast were declared duly elected Directors of the North-Western Railroad Company for one year.

The convention then proceeded to the election of a member of the Board of Guardians of the Poor, to supply a vacancy in the Eighteenth Ward.

Mr. Wildey

Nominated Michael Day.

There being no other nomination,

Mr. Gordon

Moved that Michael Day be declared elected a Guardian of the Poor for the Eighteenth Ward, by acclamation,

Which was agreed to.

And Michael Day was thereupon declared duly elected.

The Convention having adjourned, the members of Select Council returned to their own chamber.

Council proceeded to elect two Trustees of the Philadelphia Gas Works.

Mr. Potter

Nominated Conrad S. Grove and Edward H. Trotter.

Mr. Megary

Nominated Lewis B. Coffin and George Northrop.

Council then proceeded to the election.

The Clerks, acting as tellers, reported that 55 votes had been cast, of which:

Messrs. Bowker, Case, Cattell, Conrad Osborn, Conrad William, Cooley, Cooper, Dennis, Dickinson, Eckfeldt, Fish, Fisher, French, Gamble, Gheen, Gillingham, Gordon, Haas, Hacker, Heins, Hodgdon, Hunter, Jones, Kersey, Krider, Luther, Manuel, Miller Geo. B., Miller Hiram, Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Server, Simons, Smedley, Steelling, Wagner, Wetherill, Wildey, Wister, Trego, *President.*

45, voted for Conrad S. Grove and Edwin H. Trotter.

Messrs. Baird, Brenan, Handy, Holmes, Kelley, Manderfield, Mascher, Megary, Thompson, and Walsh,

10, voted for Lewis B. Coffin and George Northrop.

Conrad S. Grove and Edwin H. Trotter having received a majority of all the votes cast, were declared duly elected.

Mr. Manderfield

Offered the following

## Resolution:

*Resolved*, That a Committee of three be appointed to consult with the Mayor in regard to the terminus of the Pennsylvania Railroad, and report to this Chamber at the next meeting.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The President

Appointed Messrs. Wetherill, Manderfield, and Hodgdon, on said Committee.

Mr. Heins

Offered the following

## Resolution:

*Resolved*, That when this Council adjourns, it will adjourn to meet on Friday next (to-morrow) at 3 o'clock, P. M., to consider Appropriation Bills.

And moved to proceed to the second reading and consideration of the Resolution.

Mr. Riley

Moved to amend by adding, and to elect twelve Vaccine Physicians.

Which was agreed to.

Mr. W. Conrad

Moved further to amend by striking out 3 o'clock, P. M., and inserting 10 o'clock, A. M.

Which was not agreed to.

The Resolution as amended was adopted.

Mr. Manderfield

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Board of Control of the Public Schools of the City of Philadelphia, be requested to furnish to Councils the names and residences of the parents of all the pupils connected with our Public Schools who do not reside within the City of Philadelphia.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Heins

Read in his place and presented to the chair a Bill, entitled, "An Ordinance supplementary to an Ordinance for the better regulation of the Fire Department approved Jan. 30, 1855." (*See Appendix, No.* 100.)

Which were laid on the table and ordered to be printed, and placed on file.

Select Council inform Common Council, that they have concurred in the Resolution entitled, "Resolution suspending the Philadelphia Engine Company."

Mr. Megary

Moved to adjourn.

Which was agreed to.

And Council adjourned.

47

FRIDAY, January 28, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Bobb,
Bowker,
Bullock,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Dennis,
Dickinson,
Eckfeldt,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Holmes,
Hunter,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McDonough,
Miller, Geo. B.,
Miller, Hiram,
Nippes,
Potter,
Pugh,
Riley,
Server,
Simon,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright.

Council resumed the consideration of Bill No. 49, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllers of the Public Schools of the First District of Pennsylvania, for the year 1859."

Mr. Fish

Moved to amend Item 138 by striking out the word "three" and inserting "five."

Which was agreed to.

Mr. Riley

Moved to amend by adding as "Item 255. For repairs to School House in Haddington, Twenty-fourth Section, four hundred dollars."

Which was agreed to.

Mr. Wagner

Moved to amend by adding as "Item 256. For glass partitions in the St. John Street School, in the Sixteenth Section, five hundred dollars."

Which was agreed to.

Mr. McDonough

Moved to amend Item 47 by striking out the word "five" and inserting "seven."

Which was not agreed to.

Mr. Gordon

Moved to add as "Item 257. To pay in full for an iron railing to the Francisville School House in the Fifteenth School Section, one hundred and fifty dollars."

Which was not agreed to.

Mr. Steelling

Moved to strike out the whole of Item 246.

Which was not agreed to.

Mr. Mascher

Moved to amend Item 1 by adding "and for salary of a Professor of the German Language $1,200.

On this motion the yeas and nays were demanded by Messrs. Mascher and McDonough.

And were as follows:

YEAS:—Messrs. Baird, Enyard, Gillingham, Gordon, Haas, Handy, Heins, Holmes, Hunter, Hutchinson, Jones, Kelley, Kerr, Manderfield, Mascher, McDonough, Potter, Pugh, Steelling, Thompson, Wagner, Walsh, Wildey, Wister, Wright.

NAYS:—Messrs. Bobb, Bowker, Bullock, Cattell, Conrad William, Cooley, Cooper, Dennis, Eckfeldt, Fish, Fisher, French, Gamble, Gheen, Hacker, Harbert, Hodgdon, Kersey, Krider, Luther, Miller Geo. B., Miller Hiram, Nippes, Riley, Simon, Smedley.

Yeas, 25. Nays, 26.

So the amendment was not agreed to.

Mr. Steelling

Moved to amend Item 236 by striking out the word "three," and inserting "two."

Which was not agreed to.

Mr. Gordon

Moved to amend by adding as Item 258, the following: "258. To pay in full for an iron railing to the Francisville School House in the Fifteenth Section, one hundred and forty-nine dollars."

On this motion the yeas and nays were demanded by Messss. Gordon and Kerr.

And were as follows:

YEAS:—Messrs. Conrad Osborn, Cooley, Cooper, Dennis, Eckfeldt, Enyard, Fisher, Gheen, Gordon, Haas, Hacker, Handy, Heins, Holmes, Hunter, Hutchinson, Jones, Krider, Luther, Manderfield, Manuel, Mascher, McDonough, Potter, Pugh, Riley, Simon, Smedley, Thompson, Walsh, Wildey, Wister, Wright.

NAYS:—Messrs. Baird, Bobb, Bullock, Conrad William, Fish, French, Gamble, Gillingham, Harbert, Hodgdon, Kelley, Kersey, Nippes, Steelling.

Yeas, 33. Nays, 14.

So the motion was agreed to.

Mr. Bowker,

Seconded by Mr. Fish, moved to reconsider the vote upon the question of making an appropriation for the salary of a Professor of German in the High School.

On this motion the yeas and nays were demanded by Messrs. Mascher and Dickinson.

And were as follows:

YEAS:—Messrs. Baird, Bowker, Conrad Osborn, Dennis, Dickinson, Enyard, Fish, Gillingham, Gordon, Haas, Handy, Holmes, Hunter, Hutchinson, Jones, Kelley, Kerr, Manderfield, Mascher, McDonough, Potter, Pugh, Smedley, Thompson, Walsh, Wister, Wright.

NAYS:—Messrs Bobb, Bullock, Cattell, Cooley, Cooper, Eckfeldt, Fisher, French, Gamble, Gheen, Hacker, Harbert, Heins, Hodgdon, Kersey, Krider, Luther, Manuel, Nippes, Riley, Simon, Wagner, Wildey.

Yeas, 27. Nays, 23.

So the motion was agreed to.

The question recurring on the motion of Mr. Mascher to add to Item 1 "For the Salary of a Professor of German in the High School."

The yeas and nays were demanded by Messrs Bullock and Mascher.

And were as follows:

YEAS:—Messrs. Baird, Bowker, Dennis, Dickinson, Enyard, Fish, Fisher, Gillingham, Gordon, Haas, Handy, Holmes, Hunter, Hutchinson, Jones, Kelley, Kerr, Krider, Manderfield, Mascher, McDonough, Potter, Pugh, Smedley, Thompson, Walsh, Wildey, Wister, Wright.

NAYS:—Messrs. Bobb, Bullock, Cattell, Conrad Osborn, Conrad William, Cooley, Cooper, Eckfeldt, French, Gamble, Gheen, Hacker, Harbert, Heins, Hodgdon, Kersey, Luther, Manuel, Miller Geo. B., Nippes, Riley, Steelling.

Yeas, 29. Nays, 22.

So the amendment was agreed to.

Mr. McDonough

Moved to amend Item 47 by striking out the words "five hundred," and inserting "six hundred and fifty."

Which was agreed to.

Mr. Bullock

Moved to amend Item 127 by striking out the word "three," and inserting "five."

Which was agreed to.

Mr. Wister,

Seconded by Messrs. Mascher, Krider, Gillingham, Dickinson, O. Conrad, Haas, Jones, Nippes, Luther, French,

Moved the previous question.

Which was agreed to.

Mr. Bullock

Moved to amend the amendment in the enacting clause by striking out " $519,315," and inserting " $505,864."

Which was agreed to.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Mascher

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr. Steelling,

On leave, presented a Petition from the America Fire Engine Company, asking that their house may be approved as a suitable location for a Steam Fire Engine.

Which was referred to the Committee on Trusts and Fire Department.

A Message was received from Select Council, informing Council that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of City Property for the year 1859, and also to pay outstanding bills against said Department," with the following amendments, in which they ask concurrence.

1. Amend the 1st Section by striking out in Item 5,

"$2,500," and inserting, "and two cleaners of Court Rooms, $3,484."

2. Also in Item 9, by striking out "$4,000" and inserting "$5,000."

3. Also, in Item 10, by striking out "$1,000" and inserting "$1,500."

4. Also, in Item 11, by striking out "$1,000" and inserting "$1,500."

5. Also, in Item 24, by striking out "$500," and inserting "$700."

6. Also, in Item 25, by striking out the words, "For placing lamps in Logan, Rittenhouse, and Jefferson Squares, $1,000, to be equally apportioned among said Squares," and inserting, "For placing lamps in Logan Square, $800; for placing lamps in Rittenhouse Square, $800; and for completing the work of lighting in Jefferson Square, $400."

7. Also, by striking out Item 27, and inserting in lieu thereof, as follows:

"27. For such repairs to, and alterations of public buildings as may be directed by Councils, the same to be done under the control and express direction of the Committee on City Property, one thousand dollars.

8. Also, to add after Item 27, an additional Item, as follows:

"28. To place a fence around the burial ground on Hart's Lane, seven hundred and fifty dollars.

9. Also, to amend the proviso to the 1st Section by inserting after the word "made," in the second line, the words, "under the head of Item No. 16, for any amount exceeding one hundred dollars, nor under the head of Item 21, for any amount exceeding two hundred dollars, in any month, without the previous consent of the Committee on City Property," and by striking out the word "and" where

it occurs between the words "ten" and "eleven" and adding after "eleven" the words "and 27."

10. Also, to amend the amount appropriated, by striking out "$66,579," and inserting

11. Also, to amend in Section 2, by striking out in the second line, the words "of the year 1858," and inserting the words, "contracted prior to the year 1859."

12. Also, to strike out the 5th, 6th, and 7th Items, to-wit:

| | | | |
|---|---|---|---|
| "To City of Phila., for laying pipe, as per bill, | | | $82 50 |
| " | " | " | 149 59 |
| " | " | " | 206 48 |

13. Also, to amend the 15th Item, by striking out the words, "Independence Hall," and inserting the words, "in 1857, as per bill rendered."

14. Also, in the 16th, 17th, 18th, and 19th Items, by inserting in each, after the word "for," the words "carting and."

15. Also, in the 20th Item, by inserting after the word "labor," the words, "and materials," and after the word "hospital," the words, "as per Bill."

16. Also, by adding the following Items, to-wit:

21. To J. M. Christopher, for placing a Stove in the Supreme Court Room, five dollars.

22. For removing Green house from Landing Avenue to Hart's Lane burial ground, one hundred and fifty dollars.

23. To David Landreth, for Gardening Tools furnished to Penn Square, ten dollars.

24. To Preston Brearley, for rolling hogsheads at Tobacco Warehouse, four dollars and fifty cents.

18. Also, to amend the amount in the first line, by striking out "$5,694 98," and inserting "$5,225 91."

Mr. Gordon

Moved to concur in the first amendment.

Which was agreed to.

The Second amendment was read.

Mr. Kelley

Moved to amend by adding the words "and for the improvement of the Parade Ground in the First Ward, one thousand dollars."

Which was not agreed to.

The amendment was agreed to.

So Common Council concurred.

The Third amendment was read.

Mr. Bullock

Moved to concur.

Which was not agreed to.

The Fourth amendment was read.

Mr. Bullock

Moved to concur.

Which was not agreed to.

The Fifth amendment was read.

Mr. Heins

Moved to concur.

Which was not agreed to.

The Sixth amendment was read.

Mr. Kelly

Moved to concur.

Which was not agreed to.

The Seventh amendment was read.

Mr. Steelling

Moved to non-concur.

Which was agreed to.

The Eighth amendment was read.

Mr. H. Miller

Moved to concur.

Which was agreed to.

The Ninth amendment was read.

Mr. H. Miller

Moved to concur.

Which was not agreed to.

The tenth amendment was read.

Mr. Hacker

Moved to concur.

Which was not agreed to.

The eleventh amendment was read.

Mr. Gordon

Moved to concur.

Which was agreed to.

The twelfth amendment was read.

Mr. Miller

Moved to concur.

The thirteenth amendment was read.

Mr. Kelley

Moved to concur.

Which was agreed to.

The fourteenth amendment was read.

Mr. Heins

Moved to concur.

Which was agreed to.

The fifteenth amendment was read.

Mr. Heins

Moved to concur.

Which was agreed to.

The sixteenth amendment was read.

Mr. Miller

Moved to concur.

Which was agreed to.

Select Council informed Common Council, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Clerks of Councils for the expenses of Councils, for the year 1859," with the following amendments, in which they ask concurrence.

Amend Item 6, to make it read Item 7.

Amend Item 7, to make it read Item 8.

Also, by adding a new Item to be Item 6, as follows:

"6. For recording Ordinances, seven hundred and fifty dollars, (750.)"

Amend the enacting clause, by striking out "*twenty-eight thousand four hundred and twenty dollars,*" and inserting, "*twenty-nine thousand one hundred and seventy dollars.*"

Also, amend Section 2 by making it read Section 3, and introducing a Second Section, as follows:

SECTION 2. That the further sum of three thousand six hundred and thirteen dollars and sixty-seven cents, be appropriated to pay deficiencies in the Department of Clerks of Councils for the year 1858, as follows:

To J. Harding & Son, five hundred and twenty-eight dollars and twenty-nine cents for printing, and one hundred and fifteen dollars and fifty cents for advertising, in all six hundred and forty-three dollars and seventy-nine cents.

To B. Franklin Jackson, seventy-nine dollars and eighty cents for printing.

To James Gibbons, seventeen dollars for printing.

To Bicking & Guilbert, four hundred and nineteen dollars and twenty-four cents for printing.

To the Free Press, one hundred and sixty-six dollars and twenty-five cents for advertising.

To Morton McMichael, four hundred and twenty dollars and three cents for advertising.

To Joseph R. Flanigen, five hundred and thirty-seven dollars and fifty cents for advertising.

To William Rice, two hundred and thirty-five dollars and fifty cents for advertising.

To Joseph Severns, two hundred and fifty-three dollars for advertising.

To William Morris, one dollar and fifty cents for repairing blinds.

To William H. Kern, twenty-six dollars for ice.

To P. Wagner, twenty-nine dollars and sixty-two cents for ice.

To Warnick, Chadwick & Brother, two dollars and thirty-seven cents for fixing stove and pipe in Committee room.

To Mary Simpson, eight dollars and thirty-three cents for cleaning Committee room in December, 1858.

To W. H. Blackwood, twenty-five dollars for making drawers and pigeon holes for Common Council.

To Stephen Carman, sixty-seven dollars and forty-nine cents for locks, keys, &c., and repairing desks in Common Council Chamber.

To John Duffy, six dollars for carriage hire.

To Nimrod Woolery, thirty-six dollars for carriage hire.

To Harvey S. Chew, two hundred and thirteen dollars for carriage hire.

To S. Wilson, sixty-eight dollars for carriage hire.

To B. Fegan, twenty-five dollars for carriage hire.

To C. Weldon, thirty-six dollars for carriage hire.

To W. Conway, sixty-nine dollars for carriage hire.

To B. Quigley, six dollars for carriage hire.

To Thomas Stacey, nine dollars for making fires in Committee room in December, 1858.

To James B. Smith & Co., for stationery two hundred and eight dollars and twenty-five cents.

To A. McElroy, for two copies of City Directory five dollars.

Also, amend the title of the bill, at the end thereof as follows:

"And to pay deficiencies of eighteen hundred and fifty-eight."

Mr. Gordon

Moved that when this Council adjourn, it be until Monday afternoon at 3 o'clock.

Which was agreed to.

Mr. Potter

Moved to proceed to the consideration of the amend-mendments of Select Council to the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Clerks of Councils for the year 1859."

Which was agreed to.

The first amendment was read.

Mr. Gordon

Moved to non-concur.

Which was agreed to.

The second amendment was read.

Mr. Bullock

Moved to concur.

Pending which,

Mr. Riley,

On leave, moved to proceed to the election of twelve Vaccine Physicians, to serve for the ensuing year.

Which was not agreed to.

Mr. Potter

Moved to proceed to the consideration of Bill No. 50, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor, for the expenses of that Department, for the year 1859."

Which was agreed to.

Mr. Gordon

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, January 31, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Dennis,
Dickinson,
Eckfeldt,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Messrs. Hodgdon,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Krider,
Luther,
Manderfield,
Mascher,
McBride,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,

Trego, *President.*

Mr. Hutchinson

Moved to proceed to the consideration of Select Council's amendment to the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Surveys, for the year 1859."

Which was agreed to.

The amendment was read.

Mr. Hutchinson

Moved to concur.

Which was agreed to.

Mr. Hacker

Moved to resume the consideration of the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor, for the expenses of that Department for the year 1859."

Which was agreed to.

Mr. Steelling

Moved to amend Item 1 by striking out the word "five."

Which was agreed to.

Mr. Steelling

Moved to amend Item 2 by striking out the words "thirty thousand five hundred," and inserting "twenty-five thousand."

Which was agreed to.

Mr. Steelling

Moved to amend Item 12 by striking out the words "two thousand," and inserting "fifteen hundred."

Mr. Bowker

Moved to amend the amendment by striking out "fifteen," and inserting "eighteen."

Which was not agreed to.

The amendment was not agreed to.

Mr. Gordon

Moved to amend by striking out "Item 23, for Hats, $125."

Which was not agreed to.

Mr. Pugh

Moved to amend Item 59 by striking out "fifteen," and inserting "twelve."

Which was not agreed to.

Mr. Pugh

Moved to amend Item 60 by striking out "fifteen," and inserting "twelve."

Which was not agreed to.

Mr. Megary

Moved to amend Item 1 and 2 by adding the following:

*Provided*, "That not more than one-third of the amount appropriated to Item 1, for Flour and Corn Meal, and Item 2, for Beef and Mutton, shall be expended before the first day of May, 1859."

Which was agreed to.

Mr. Bullock

Moved to amend by striking out the Proviso attached to Item 66.

Which was not agreed to.

Mr. Megary

Moved to amend by striking out "Item 54, for Coffee Roasting, $100."

Which was agreed to.

Mr. Steelling

Moved to amend Item 45 by striking out the word "five."

Which was not agreed to.

Mr. Megary

Moved to amend Item 34 by striking out "four," and inserting "two."

And by striking out "Surgical Instruments," and inserting "Trusses."

Which was not agreed to.

Mr. Cooley

Moved to amend the Item by adding after the word "instruments," the words, "and trusses."

Which was agreed to.

Mr. Gordon

Moved to amend Item 26 by striking out the word "four," and inserting "two."

Which was agreed to.

Mr. Megary

Moved to amend by striking out "Item 55, for repairs, $1000."

Which was not agreed to.

Mr. Gordon

Moved to amend the same Item by striking out "one thousand," and inserting "five hundred."

Which was agreed to.

Mr. Luther

Moved to amend Item 30 by striking out "two hundred," and inserting "fifty."

Which was not agreed to.

Mr. Megary

Moved to amend the same Item by striking out "two," and inserting "one."

Which was not agreed to.

Mr. Luther

Moved to amend Item 31 by striking out the word "four," and inserting "two."

Which was agreed to.

Mr. Luther

Moved to amend Item 32 by striking out "four," and inserting "two."

Which was agreed to.

Mr. Luther

Moved to amend Item 33 by striking out "seven," and inserting "four."

Which was not agreed to.

Mr. Gordon

Moved to amend Item 67 by inserting, after the word "Almshouse," the words "including hay."

Which was agreed to.

Mr Gordon

Moved to amend 68 by inserting the word "hay," before the word "oats."

Which was agreed to.

Mr. Gordon

Moved to amend by striking out "Item 69, for cleansing sinks and chimneys $100."

Which was agreed to.

Mr. Bullock

Moved to amend by striking out Item 70.

Which was agreed to.

Mr. Cooley

Moved to amend Item 82 by striking out "four," and inserting "six."

Which was not agreed to.

Mr. Savage

Moved to amend by striking out Item 74.

Which was agreed to.

Mr. Gordon

Moved to amend Item 76 by striking out the words "and manure," and striking out "one," and inserting "three."

Which was agreed to.

Mr. Gordon

Moved to amend by striking out Item 79.

Which was not agreed to.

Mr. Gordon

Moved to amend Item 99 by striking out "one thousand," and inserting "eight hundred."

Which was agreed to.

Mr. Steelling

Moved to amend Item 61 by striking out "one thousand," and inserting "five hundred."

Which was not agreed to.

Mr. Megary

Moved to amend Item 13 by striking out "two," and inserting "one."

Which was not agreed to.

Mr. Baird

Moved to amend by striking out Item 132.

On this motion, the yeas and nays were demanded by Messrs. Steelling and Gay,

And were as follows:

YEAS:—Messrs. Baird, Bobb, Cattell, Conrad Osborn, Conrad William, Cooley, Gay, Haas, Hodgdon, Kerr, Mascher, McBride, Miller Hiram, Nippes, Potter, Riley, Server, Smedley, Steelling, Wagner, Wildey, Wister, Trego, *President.*

NAYS:—Messrs. Bowker, Brown, Bullock, Cooper, Dennis, Dickenson, Enyard, Gamble, Gordon, Hacker, Heins, Hunter, Hutchinson, Kelley, Kelton, Ketcham,

Krider, Luther, Manderfield, Megary, Miller Geo. B., Moyer, Pugh, Savage.

Yeas, 23. Nays, 24.

So the motion was not agreed to.

Mr. Savage

Moved to amend Items 133 and 134, by striking out the words "two hundred," in each instance, and inserting "five hundred and forty-four dollars and ten cents," in each instance.

Mr. Kelley

Moved to postpone the Bill now pending, for the present, for the purpose of providing for an adjourned meeting.

Which was agreed to.

Mr. Kelley

Moved that when this Council adjourn, it adjourn to meet on Wednesday afternoon next, at 3 o'clock,

Which was agreed to,

Council resumed the consideration of the Bill, entitled,

"AN ORDINANCE

making an appropriation to the Guardians of the Poor, for the year 1859."

Mr Savage

Withdrew his amendment.

Mr. H. Miller

Moved to postpone the Bill under consideration, for the purpose of resuming the consideration of Bill No. 37, on Common Council file, entitled,

"AN ORDINANCE

providing for the Relief of the Poor of the City of Philadelphia."

Which was agreed to.

The Bill was again read.

The Second Section was agreed to.

Mr. Potter

Moved to amend the Third Section, by striking out the word "shall," where it occurs after the word "Ward," and insert the word "may."

The Third Section, as amended, was agreed to.

Mr. H. Miller

Moved to amend the Fourth Section by adding after the word expended in the second line, the words "under the direction of said managers of such Ward Associtaion."

Which was agreed to.

The Section as amended was agreed to.

The Fifth Section was agreed to.

Mr. Savage

Moved to amend the Sixth Section, by striking out "four hundred," and inserting "seven hundred."

Mr. Handy

Moved to amend the amendment, by inserting before the words "Twentythird Ward," the words "the first and second divisions of."

Which was agreed to.

The amendment as amended was not agreed to.

Mr. H. Miller

Moved to amend by uniting the twenty-first and twenty-third Items.

Which was not agreed to.

Mr. Heins

Moved to amend by changing the Items to Seventh, Eighth and Ninth Ward as follows,

Seventh Ward $2,750, Eighth and Ninth Wards $2,000 each.

Mr. Potter

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## WEDNESDAY—February 2, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Cattell,
Conrad, Osborn,
Conrad, Wm.,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Hunter,
Hutchinon,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Pugh,
Riley,
Server,
Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wildey,
Wister,
Trego, *President.*

Mr. Dennis

Moved to proceed to the consideration of a message from Select Council informing Council that they have concurred in the Bill, entitled "An Ordinance, to make an appropriation for the payment of the Claims of Edward G. Webb and others, against the City," with the following amendments, in which they ask concurrence.

Amend by striking out Item 7, as follows, to-wit:

"7. George Moore, Police Magistrate, from July 30, 1856, to June 2, 1858, as per vouchers from City Treasurer and Controller, $912 41."

Which was agreed to.

The amendment was again read.

Mr. Dennis

Moved to concur.

Which was agreed to.

Council resumed the consideratton of the Bill entitled,

"AN ORDINANCE

providing for the Relief of the Poor of the City of Philadelphia."

The question being upon the pending amendment of Mr. Heins,

It was agreed to.

Mr. Smedley

Moved to amend Section 6, in line 24, so as to make it read, "the first, second, and third divisions." And also, to strike out the words "four hundred," and insert "six hundred."

Which was agreed to.

The Sixth Section as amended was agreed to.

The Seventh Section was read.

Mr. Gordon

Moved to amend by striking out "January," and inserting "March."

Which was agreed to.

Mr. Hacker

Moved to amend the amendment by striking out the word, "a warrant," and inserting "warrants," and to strike out the words "said amount when drawn by the visitor to be subject to the action of," and inserting "in such sums, and at such times as may be authorized by."

Which was agreed to.

Mr. H. Miller

Moved to further amend by striking out "July," and inserting "September."

Which was agreed to.

Mr. Hacker

Moved to re-consider the vote upon Section Six.

Which was agreed to.

Mr. Hacker

Moved to reduce the amounts appropriated to the several Wards by one sixth from each.

Which was agreed to.

The Section as amended was agreed to.

Mr. Wagner

Moved to re-consider the vote upon the Fourth Section.

Which was agreed to.

Mr Wagner

Moved to reduce the amounts appropriated to the several Wards by one sixth from each.

Which was agreed to.

The Section as amended was agreed to.

Mr. Hacker

Moved to amend the first Section, by striking out the aggregate amount "$46,000," and inserting "$44,375."

Which was agreed to.

The Section as amended was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Upon the final passage of the Bill, the yeas and nays were demanded by Messrs. Mascher and Walsh.

And were as follows:

YEAS.—Messrs. Bobb, Conrad Osborn, Eckfeldt, Fish, Fisher, Gheen, Gordon, Haas, Hacker, Harbert, Heins, Hodgdon, Hunter, Hutchinson, Kelton, Megary, Miller Hiram, Mingle, Moyer, Pugh, Riley, Smedley, Steelling, Uber, Wildey, Trego, *President.*

NAYS.—Messrs. Baird, Bowker, Brown, Cooley, Cooper, Day, Dickinson, Ellis, French, Gamble, Gillingham, Handy, Kelley, Kerr, Ketcham, Krider, Luther, Manderfield, Manuel, Mascher, Nippes, Wagner, Walsh, Wister.

Yeas, 26. Nays, 24.

So the Bill passed.

Council resumed the consideration of Bill No. 50, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor for the expenses of that Department for the year 1859."

The First Section was again read.

Mr. H. Miller

Moved to re-consider the vote upon Item 132.

Which was agreed to.

The question recurring on the motion to strike out the whole of Item 132.

It was agreed to.

Mr Megary

Moved to amend by striking out the whole of Items 87 and 88.

Which was agreed to.

Mr Gordon

Moved to strike out the words, "for the relief of the out-door poor of the City as follows," and also, the Items from 107 to 126 inclusive, and also, Items 133 and 134.

Which was agreed to.

Mr. Gordon

Moved to strike out Items 89 and 90.

Which was agreed to.

Mr. Gamble

Moved to amend Item 128 by adding at the end theref

the words, "and for hose, pipes, screws, and garden hose, one hundred and twenty-five dollars."

Which was not agreed to.

Mr. Kerr

Moved to amend by adding as Item 74, "for State taxes $300."

Which was not agreed to.

Mr. Riley

Moved to amend by striking out Item 98.

Which was not agreed to.

Mr. Riley

Moved to amend Item 25 by striking out "3,000," and inserting "2,500."

Mr. Heins

Moved to amend Item 128 by adding at the end thereof, the words "and for screws and pipes for fire hose, seventy-five dollars."

Which was agreed to.

Mr. Steelling

Moved to strike out Item 67, "for feed for horses, &c."

Which was not agreed to.

Mr. Hacker

Moved to amend the first clause of the first Section by striking out in the aggregate amonnt "182,361," and inserting "117, 907."

Which was agreed to.

Mr. Wister

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, February 3, 1859.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Ellis,
Enyard,
Fish,
Fisher,
Fitler,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harmer,
Heins,
Hodgdon,
Hunter,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham
Krider,
Luther,
Manderfield,
Mascher,
McBride,
McClean,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Rubicam

| | |
|---|---|
| Messrs. Server, | Messrs. Wagner, |
| Schoch, | Walsh, |
| Simons, | Wetherill, |
| Smedley, | Wildey, |
| Thompson, | Wister, |

Trego, *President.*

Mr. Krider

Presented a Petition for water pipes on Baring Street between Thirty-third and Thirty-fifth Streets.

Which was referred to the Committee on Water Works.

Also,

A Petition for the admission of the Wayne Hook and Ladder Company, into the Fire Department.

Mr. Luther

Presented a Petition for the removal of a Fire Alarm Box from the corner of Broad and Walnut, to the corner of Thirteenth and Locust Streets.

Mr. Wetherill

Presented a Petition for a Fire Alarm Signal Box in the house of the Columbia Engine Company.

Which were severally referred to the Committee on Trusts and Fire Department.

Mr. Dickinson

Presented a Petition for lamps on Germantown Avenue north of Thompson Street.

Which was referred to the Committee on Police.

Mr. Doerr

Presented a Petition for the admission of the Keystone Fire Company, into the Fire Department.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Wetherill

From the Special Committee appointed to confer with his Honor, the Mayor, in regard to the action of the Pennsylvania Railroad upon the subject of a terminal depot upon the river Delaware, presented a report with a Resolution annexed. (*See Appendix, No.* 101.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Wister

Moved to amend the Resolution by striking out all after the word Company and inserting the following words, "as in his judgment may be deemed best, in regard to the location of terminus of said road, on the river Delaware, at the meeting of Stockholders to be held on 7th, inst."

Mr. Hacker

Moved to amend the amendment by striking out the words "Mayor of the City of Philadelphia." and insert "Directors elected by Councils."

Which was not agreed to.

Mr. Wister

Withdrew his amendment.

Mr. Mascher

Moved to amend the Resolution by striking out all after the words "City of Philadelphia." and insert the following,

That City Councils deem it inexpedient at this time

to fix a site for a Depot by the Pennsylvania Railroad Company upon the river Delaware, and that the Mayor be required to vote the stock of the City accordingly.

Mr. Dennis

Moved to amend the amendment by striking out all after the enacting clause, and inserting the following.

*Resolved*, by the Select and Common Councils of the City of Philadelphia, That the Mayor of the City of Philadelphia, is hereby authorized to represent the Stock of the City of Philadelphia at the meeting of the Stockholders of the Pennsylvania Railroad Company to be held on the 7th, inst. to vote the Stock of the City against the Resolution reported by the Directors of the said Company, relating to the Eastern terminus of said road, and to vote to instruct the Directors of the said Railroad Company to furnish to the Stockholders by the "7th, of April next a statement," of the several localities deemed by them suitable for the Eastern terminus of said Railroad on the river Delaware; and also to instruct the said Directors to call another meeting of the Stockholders to be held on the 7th, of May, 1859, for the purpose of deciding which of the said localities (if either) shall be selected.

Which was agreed to.

The Resolution as amended, was agreed to.

The President

Submitted the following Communication from the City Controller, to-wit:

CITY CONTROLLER'S OFFICE,
*Philadelphia, Feb.* 3, 1859.

*To the President and Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—I respectfully call your attention to the fact that there is, lying unproductive in the hands of the

Treasurer, four thousand seven hundred and fifty dollars, ($4,750,) belonging to the bequest of Elliott Cresson.

I would urge upon Councils that some action be taken to make the fund productive, so as to realize the purposes of the Trust.

Yours, very respectfully,

GEORGE W. HUFTY,

*City Controller.*

Which was referred to the Committee on Trusts and Fire Department.

Also,

The following:

OFFICE OF THE CITY CONTROLLER,
*Philadelphia, Feb.* 3, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I respectfully call your attention to the fact, that the City of Philadelphia has been paying the expense of lighting Delaware Avenue, from Vine to Cedar Street, (provision for the payment of which is made in the Twenty-second Section of the Will of the late Stephen Girard.) I, therefore, most respectfully suggest the appointment of a Joint Committee of Councils, to determine what amount is due the City of Philadelphia, from Girard Estate, for the lighting of Delaware Avenue in Fifth and Sixth Wards, since the date of Consolidation; so that the City shall be reimbursed the expense, whatever it may be.

Very respectfully, yours,

GEORGE W. HUFTY,

*City Controller.*

Mr. Mascher

Moved that a Joint Committee of three from each

Chamber be appointed, to consider and report upon the subject referred to in said Communication.

Which was agreed to, and

The President

Appointed Messrs. Mascher, Cooley, and Gamble, the Committee on the part of this Council.

Also,

A Communication from Hanse Hamilton, asking the release of certain property from the lien of a judgment held by the City.

Which was referred to the Committee on Finance.

The following message from the Mayor, was received:

MAYOR'S OFFICE,
*Philadephia, February* 3, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz.:

On the 25th ult., "An Ordinance, to make an appropriation for the expenses of the Police Department, for the year 1859."

On the 28th ult., "An Ordinance, to make an appropridtion to the Board of Health, for the expenses of that Department, for the year 1859."

On the 28th ult., "An Ordinance, to make an appropriation for the expenses of the Law Department, for the year 1859."

On the 31st ult., "A Resolution, suspending the Philadelphia Engine Company."

On the 2d inst., "An Ordinance, to make an appropriation to the Department of Highways, Bridges, Sewers, and Cleansing the City, for the year 1859."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Which was laid on the table.

Also,

The following:

MAYOR'S OFFICE,
*Philadelphia, February* 3, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I return herewith the joint Resolutions entitled, "Resolutions to authorize the Chief Commissioner of Highways to contract for cleansing the City."

The first of these Resolutions provides for contracts with persons therein named, for cleansing the streets in the several districts during one year from the first day of January A. D., 1859, for the sums respectfully named, being in the aggregate $38,040 00.

These Resolutions were presented for approval on the 20th day of last month, when nearly three weeks of the time to be embraced in the proposed contracts had elapsed, without the possibility of any services having been performed.

As the consideration fixed for each of the proposed contracts, is a specified amount not dependant upon the time during which the street cleansing shall actually be performed, a sum proportioned to the time already passed should be deducted from the stipulated amount of each con-

tract, before the same is entered into, which, in the aggregate would exceed three thousand dollars per month.

The authority given by the third Resolution to the Chief Commissioner of Highways, to determine upon the sufficiency of the sureties of the several contractors, subject to the approval of the City Solicitor, is in contravention of the 20th Section of the supplement to the Act of Consolidation of April 21, 1855, which requires that "for new work the contract and sureties be approved by the City Solicitor and Councils."

For the foregoing reasons I withhold my signature from these Resolutions.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Potter

Moved that Councils proceed to reconsider the Resolution referred to in said message.

Which was agreed to.

The question being "shall the Resolution pass notwithstanding the objections of the Mayor."

The yeas and nays were ordered in conformity with law.

And were as follows:

YEAS:—Messrs. Brenan, Fish, Handy.

NAYS:—Messrs. Andress, Bobb, Bowker, Brown, Cattell, Conrad Osborn, Cooley, Cooper, Dennis, Doerr, Dickinson, Ellis, Eckfeldt, Enyard, Fisher, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Heins, Hodgdon, Holmes, Hunter, Jones, Kelley, Kelton, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, McClean, Megary, Miller Geo. B., Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam,

Server, Smedley, Thompson, Wagner, Walsh, Wildey, Wister, Trego, *President.*

Yeas, 3. Nays, 57.

So the Resolution was not agreed to.

Mr. Brown,

On leave, presented a Petition from John G. Ganning, for a lease of Allegheny Avenue wharf.

Which was referred to the Committee on Wharves and Landings.

Mr. Gordon,

On leave, presented a Petition for the placing of certain lamps in Sixteenth and other Streets.

Which was referred to the Committee on Police.

Select Council informed that they had concurred in the Bill, entitled, "An Ordinance further defining the duties of the City Commissioners, with the following amendments, in which they ask concurrence.

Amend by striking out all after the word "also," and inserting as follows, to wit:

"That it shall be the duty of the Receiver of Taxes, whenever allowances are made by the City Commissioners from the assessed value of any property, in conformity with the Acts of Assembly, to certify to the City Controller the owners name and locality of such property, and the amount of the allowances, and by whom made, and no credit shall be given to the Receiver of Taxes for such allowances unless such certificates shall be returned to the office of the said City Controller."

Also amend the *title* by adding at the end thereof the following, to wit: "*and the Receiver of Taxes.*"

Mr. Handy

Moved that this Council concur in the amendments of Select Council.

Which was agreed to.

Select Council informed that they had passed a Resolution, entitled, "Resolution, in reference to the accommodations of the Court of Quarter Sessions," in which they ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

Mr. Gordon

On leave, read in his place, and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

to provide for cleansing the Streets of the City."

Which was laid on the table and ordered to be printed.

Also,

A Report from the Committee on Poor, upon a Communication from the City Controller, relative to certain Bills of the Guardians of the Poor,

With a Resolution, discharging said Committee from the further consideration of the subject. (*See Appendix, No.* 102.)

The Resolution was read a second time and adopted.

Mr. Manuel

Presented a Report from the Special Committee upon the subject of Lighting the City. (*See Appendix, No.* 103.)

Which was laid on the table.

Select Council informed Council that they had non-concurred in the first and second amendments of Common Council to Select Council's Bill, entitled, "An Ordinance, supplementary to An Ordinance, entitled, 'An Ordinance, to regulate Passenger Railways, approved July 1, 1857,'" and have concurred in the third amendment, (the Sixth Section,) by adding after the word "Street," the words "*that has not heretofore been paved.*"

SEC. 6. That so much of the Third Section of the Ordinance approved July 7, 1857, to which this is a supplement, as provides that the Railroad Companies shall "pave" any Street that has not heretofore been paved, be, and the same is hereby repealed.

Mr. Wister

Moved to concur in the amendment to the Sixth Section.

Which was agreed to.

Mr. Mascher

Moved that Council insist on the first and second amendments, striking out clause fourth and clause sixth.

Mr. Megary,

Seconded by Messrs. Kelley, Brenan, Dickinson, Gillingham, Wister, Bullock, Kerr, Day, Ellis, Roats, Gamble, Walsh.

Demanded the previous question.

The question recurring, shall the main question be now put?

It was agreed to.

On the question, "will this Council insist upon the amendments, striking out clause "fourth," and clause "sixth," the yeas and nays were demanded by Messrs. Mascher and Kerr.

And were as follows:

YEAS:—Messrs. Andress, Brenan, Brown, Bullock, Conrad Osborn, Conrad Wm., Cooper, Day, Doerr, Dickinson, Ellis, Enyard, Epler, Fisher, French, Gamble, Gheen, Gillingham, Harmer, Holmes, Kelley, Kerr, Kersey, Manderfield, Manuel, Mascher, McBride, McDonough, Megary, Miller Geo. B., Roats, Server, Smedley, Walsh, Wister.

NAYS:—Messrs. Bobb, Cattell, Cooley, Dennis, Eckfeldt, Fish, Fitler, Gay, Gordon, Haas, Hacker, Heins, Hodgdon, Hunter, Kelton, Ketcham, Krider, Luther, McClean, Miller Hiram, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Simons, Thompson, Wetherill, Wildey, Trego, *President.*

Yeas, 35. Nays, 32.

So Common Council insisted on their amendment.

Select Council informed Council that they had concurred in the Bill, entitled, "An Ordinance, to make an appropriation to the Department for supplying the City with Water, for the year 1859."

Mr. Mascher

Moved to re-consider the vote upon the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Clerks of Councils for the year 1859."

Which was agreed to.

Mr. H. Miller

Moved to insert as "Item 7, For Recording Ordinances, $750."

The same gentleman

Moved to amend Section 2, by striking out the appropriation to W. H. Blackwood, and inserting, "To pay Charlotte Woolman for salary, and for extra cleansing in Council Chamber, twenty-five dollars;" also, by striking out appropriation to Stephen Carman for locks, keys, &c., and inserting, "For indexing Journals of Select and Common Councils, fifty dollars;" also, to amend the first clause of the Section, by striking out "$3,613 67," and inserting "3,596 18."

Which was agreed to.

Mr. Potter

Moved to proceed to the second reading and consideration of a Bill from Select Council, entitled, "A Supplement to an Ordinance authorizing the Law Department of the City of Philadelphia, approved August 22, 1854."

Which was agreed to.

Mr. Wister

Moved to postpone the further consideration of the Bill indefinitely.

Mr. Hacker

Moved to amend by postponing the further consideration of the subject for the present.

Which was agreed to.

Mr. Hacker

Moved that when this Council adjourn, it adjourn to meet on Friday (to-morrow) afternoon, at 3 o'clock, for the purpose of considering the Appropriation Bills for 1859.

Mr. Bowker

Moved to amend by striking out "Friday," and inserting "Monday."

Which was not agreed to.

Mr. Cooper

Moved to strike out "3," and insert "7."

Which was agreed to.

The motion as amended was agreed to.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## MONDAY, February 7, 1859.

A Special Meeting of Common Council was held this day, in pursuance of the following call, to wit :

Hon. Chas. B. Trego,

*President of Common Council.*

Dear Sir :

Please call a meeting of Council, on Monday next at 3 o'clock P. M., for the purpose of considering the Appropriation Bills.

Yours respectfully, &c.,

George W. Gamble,
Nathan W. Ellis,
W. L. Dennis,
John Bowker,
Hiram Miller,
Richard Wildey,
Jos. Manuel, Jr.,
M. H. Dickinson,
Robert Luther,
John Krider,
Lewis S. Heins,
Wm. H. French,
Alex. L. Hodgdon,

*Feb.* 4, 1859.

Gen. Wm. F. Small,

*Clerk of Common Council.*

Sir:—Please call a Meeting of Common Council, in compliance with the foregoing request.

Chas. B. Trego,

*Feb.* 4, 1859. *President of Common Council.*

Members present:

Messrs. Baird,
Brenan,
Bowker,
Brown,
Bullock,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Ellis,
Eckfeldt,
Enyard,
Fish,
Fisher,
Gamble,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hunter,
Hutchinson,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Mascher,
M'Cahen,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rubicam,
Savage,
Simon,
Simons,
Smedley,
Steelling,
Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President*.

The President

Submitted the following Communication:

ALUMNI ASSOCIATION—CENTRAL HIGH SCHOOL.

*Seventeenth Annual Address.*

The Alumni Association request the honor of the company of the members of the Common Council on the platform of the Musical Fund Hall, on Thursday evening, the 10th inst., at half-past 7 o'clock, on the occasion of the Annual Address by John D. Watson, Esq.

The Introductory Address will be delivered by Prof. A. D. Bache.

On behalf of the Association,

JAMES LYND,
STEPHEN BENTON,
WM. F. GRIFFITTS, JR.,
S. KINGSTON MCCAY,
HENRY E. BUSCH,
WILLIAM L. DUNGLISON,
SAMUEL A. CORNMAN,

*Committee of Arrangement.*

*Philadelphia, February* 1, 1859.

Mr. Mascher

Moved that the invitation be accepted.

Which was agreed to.

A message was received from Select Council informing Council that they had concurred in a Bill entitled "An Ordinance to make an appropriation to the Board of Controllers of Public Schools of the First School District of Pennsylvania for the year 1859, with the following amendments, in which they ask concurrence.

Amend line 129 in the 13th Section by striking out "*two hundred,*" and inserting "*three hundred and fifty.*"

Also amend the proviso by striking out "253," and inserting "254, 255, 256 and 257."

Mr. Gamble

Moved to proceed to the consideration of said amendments.

Which was agreed to.

The first amendment was agreed to.

The Second amendment was agreed to.

So Common Council concurred.

Council resumed the consideration of the Bill entitled "An Ordinance making an appropriation to the Guardians of the Poor for the year 1859.

The question recurring on the proposed amendment to the first Section of striking out the aggregate amount of $182,361 00 and substituting $117,907 00.

It was agreed to.

The Section as amended was agreed to.

The Second Section was read.

Mr. Gordon

Moved to strike out all after the words "Section 2," and insert the following:

That all articles enumerated in this Ordinance, for supplies to be furnished to the Almshouse, shall be purchased at the wholesale cash prices of said articles; and, that the Controller shall not audit any bills in which the prices of articles are higher than the aforesaid wholesale cash prices. *Provided*, that hereafter all supplies to be

furnished to the Almshouse, shall be purchased by the Steward of said Almshouse, (who shall certify, under oath to each Bill,) and under the direction of the Joint Standing Committee on Poor of Councils. *And provided further*, that the Controller shall audit no bills contracted for by the Stewart or Guardians of the Poor, unless said bills are signed by a majority of the Committe on Poor.

Which was agreed to.

The Second Section as amended was agreed to.

The Third Section was agreed to.

The Title was read.

Mr. Gordon

Moved to strike out the words "Guardians of the," and insert "Department of."

Which was agreed to.

The Title as amended was agreed to.

The Bill was ordered to be prepared for a third reading.

Mr. Wister

Moved to go into Committee of the Whole, for the purpose of general amendment.

Which was not agreed to.

Mr. Luther

Moved to go into Committee of the Whole for the purpose of special amendment.

That the sum of $117,907 be, and the same is hereby appropriated for the support of the Poor of the City of Philadelphia for the year 1859. *Provided*, That no part of said appropriation shall be expended, except by a special appropriation of Councils hereafter to be made.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Handy and Kelley.

And were as follows:

YEAS:—Messrs. Bowker, Brown, Cattell, Conrad Osborn, Conrad William, Cooley, Cooper, Dennis, Dickinson, Eckfeldt, Enyard, Fish, Fisher, Gheen, Gillingham, Gordon, Hacker, Harbert, Heins, Hunter, Hutchinson, Kersey, Ketcham, Krider, Luther, M'Cahen, Miller Hiram, Mingle, Moyer, Nippes, Pugh, Riley, Roats, Rubicam, Simon, Simons, Steelling, Wagner, Wildey, Trego, *President*.

NAYS:—Messrs. Baird, Brenan, Haas, Handy, Holmes, Kelley, Kelton, Kerr, Manderfield, Mascher, Megary, Savage, Thompson, Walsh, Wright.

Yeas, 39. Nays, 15.

So the Bill passed.

Mr. Mascher

Asked and obtained leave to enter on the Journal the following reason for his vote on the foregoing Bill.

I vote "no," on the passage of the Ordinance making the annual appropriation to the Almshouse for 1859, because I am satisfied that the sum of $117,000 is entirely inadequate to defray the expense of that Institution for the current year.

JOHN F. MASCHER.

The undersigned, members of Common Council, protest against the passage of the Ordinance appropriating one hundred and seventeen thousand dollars for the support of the poor at Blockley Almshouse, which sum with the (44,000,) forty-four thousand for out-door relief makes only one hundred and sixty thousand dollars, for the entire Department of the Poor for the year 1859. This sum we believe to be totally inadequate to the requirements of tha Department.

In 1855 there were expended three hundred thousand dollars (say 300,000 00.)

| | | | | |
|---|---|---|---|---|
| In 1856 the expenses were | | | | $248,000 00 |
| In 1857 | " | " | " | 243,000 00 |
| In 1858 | " | " | " | 274,000 00 |

Now it will be observed that since Consolidation, the expenditures have in no one year been less than two hundred and forty-three thousand dollars, while the sum now appropriated is nearly one hundred thousand dollars less.

The undersigned therefore protest against the passage of the ordinance because it gives a false basis of taxation, will certainly involve addditional appropriations to the Department, and as a consequence do very great injustice to the portions of the Consolidated City supporting their own poor, because it unfairly diminishes their poor rate allowances for 1859.

WM. ROTCH WISTER,
EDW S. HANDY,
JNO. R. SAVAGE,
W. W. SMEDLEY,
*Feb.* 7, 1859. JOHN F. MASCHER.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 52, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation to the Fire Department for the year 1859, and to pay claims incurred during the year 1858."

Which was agreed to.

The First Section was read.

Mr. Mascher

Moved to amend Item 6 by striking out the word

"three" and inserting the word "four," and by striking out "five thousand one hundred," and inserting "six thousand eight hundred."

On this motion the yeas and nays were demanded by Messrs. Pugh and Heins.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bowker, Brown, Cattell, Conrad Osborn, Conrad William, Dennis, Dickinson, Eckfeldt, Enyard, Fish, Fisher, Gamble, Gheen, Heins, Holmes, Hunter, Hutchinson, Kelley, Kerr, Krider, Manderfield, Mascher, M'Cahen, Megary, Moyer, Pugh, Riley, Roats, Server, Simon, Smedley, Steelling, Thompson, Wagner, Walsh, Wildey, Trego, *President.*

NAYS:—Messrs. Cooley, Cooper, Gillingham, Gordon, Kelton, Kersey, Ketcham, Luther, Miller Hiram, Nippes, Potter, Savage, Wister.

Yeas, 39. Nays, 13.

So the motion was agreed to.

Mr. Mascher

Moved to amend Item 7 by striking out the word "three, and inserting the word "four," and to strike out "nine," and insert "twelve.""

Which was agreed to.

Mr. Heins

Moved to amend Item 8 by inserting the word "Western," after the word "Moyamensing."

Which was agreed to.

Mr. Mascher

Moved to amend the same Item by striking out the

words "two hundred and sixty-eight," and inserting "four hundred," and to strike out "$8,040," and insert "$12,400."

On this motion the yeas and nays were demanded by Messrs. Wildey and Heins.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bowker, Brown, Conrad William, Dennis, Dickinson, Eckfeldt, Fisher, Heins, Hunter, Hutchinson, Kelley, Kerr, Krider, Manderfield, Mascher, M'Cahen, Megary, Moyer, Pugh, Riley, Roats, Server, Simon, Thompson, Wagner, Walsh, Wildey, Wright, Trego, *President*.

NAYS:—Messrs. Cattell, Cooley, Cooper, Day, Enyard, Gamble, Gillingham, Gordon, Haas, Hacker, Holmes, Kelton, Kersey, Ketcham, Luther, Miller Hiram, Nippes, Potter, Savage, Steelling, Wister.

Yeas, 31. Nays, 20.

So the motion was agreed to.

Mr. Smedley

Moved to amend Item 9 by striking out the words "two hundred and twenty-five," and inserting "three hundred," and by striking out "eleven hundred and twenty-five," and inserting "fifteen hundred."

Which was agreed to.

Mr. Wister

Moved to amend Item 10 by striking out "one hundred and fifty," and inserting "two hundred," and by striking out "twelve hundred," and inserting "sixteen hundred."

Which was agreed to.

Mr. Heins

Moved to amend Item 11 by striking out the words "West Philadelphia," and by striking out "thirty," and inserting "seventy."

Which was agreed to.

Mr. Moyer

Moved to amend Item 12 by striking out "seventy-five," and inserting "one hundred."

Which was not agreed to.

Mr. Bowker

Moved to amend Item 13, by striking out "thirty-seven dollars and fifty cents," and inserting "fifty dollars."

Which was agreed to.

Mr. Haas

Moved to amend Item 14, by adding the words "and fifty," after the word "hundred."

Which was not agreed to.

Mr. Pugh

Moved to amend Item 12, by striking out "seventy-five," and inserting "one hundred."

Which was agreed to.

Mr. Heins

Moved to amend Item 15, by striking out the words "and Protection," and also to strike out the words, "each the sum of one hundred and twenty-five dollars."

Which was agreed to.

Mr. Smedley

Moved to amend Item 16, by striking out "eighty-seven dollars and fifty cents," and inserting "one hundred and seventy-five dollars;" and to strike out "two hundred and sixty-two dollars and fifty cents," and insert "five hundred and twenty-five dollars."

Which was agreed to.

Mr. Bowker

Moved to amend Items 9 and 10, by striking out the word "Manayunk" from Item 9, and inserting the same in Item 10.

Which was agreed to.

Mr. Heins

Moved to amend by adding the following as Item 22.

22. To the Hope Hose Company four hundred dollars, being the amount of appropriation due July 1, 1858, and to the Philadelphia Hose Company, two hundred dollars, being the amount of appropriation due January 1, 1858.

On this motion the yeas and nays were demanded by Messrs. M'Cahen and Heins.

And were as follows:

YEAS.—Messrs. Baird, Bowker, Brown, Conrad Osborn, Conrad William, Dennis, Eckfeldt, Enyard, Heins, Holmes, Kelley, Kerr, Kersey, Manderfield, Mascher, M'Cahen, Megary, Miller George B., Pugh, Server, Walsh, Wetherill, Wright.

NAYS. — Messrs. Cooley, Cooper, Dickinson, Fish, Gamble, Gheen, Gillingham, Gordon, Hunter, Kelton, Ketcham, Krider, Miller Hiram, Moyer, Nippes, Riley, Savage, Smedley, Steelling, Wagner, Wildey, Wister, Trego, *President.*

Yeas, 23. Nays, 23.

So the motion was not agreed to.

Mr. Eckfeldt

Moved to amend by adding as Item 22.

To place an alarm bell on the Station House at Tenth and Thompson Streets, in the Fourth Fire District, five hundred dollars."

Mr. Wister

Moved to amend by adding, "and also for placing a Fire Alarm Bell at Germantown Hall, five hundred dollars."

Which was not agreed to.

The amendment was not agreed to

Mr. Wetherill

Moved to amend by adding the following as Item 22. "To the Warren Hook and Ladder Company, for the purchase of apparatus, three hundred dollars."

Which was not agreed to.

Mr. Pugh

Moved to amend by adding the following as Item 22. "To the United Hose Company, one hundred and fifty dollars to replace hose destroyed by fire in Lawrence Street above Broom."

Which was not agreed to.

Mr. Bowker

Moved to amend by adding the following as Item 22. for obtaining and placing a larger Fire Alarm Bell on the Thirteenth District Station House, Tenth Fire District, the sum of one hundred and fifty dollars.

Which was not agreed to.

Mr. Gillingham

Moved to amend by adding the following at the end of the proviso.

And provided further that no Company having been located as a Steam Engine Company shall be entitled to receive more than 1-12 of four hundred dollars a year per month for their services previous to their going into operation as a Steam Company.

Which was agreed to.

Mr. Gillingham

Also moved to amend Item 17 by striking out the word "thirty-two," and inserting "twenty-four."

Which was agreed to.

Mr. Wagner

Moved to amend the same Item by striking out the words "the sum," and inserting the words "at the rate," and inserting after the word "dollars," the words "payable monthly."

Which was agreed to.

The S ction as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time, and passed.

The President

Submitted the following Communication:

MONDAY MORNING, Feb. 7, 1859.

CHAS. B. TREGO, Esq.,

*President Common Council.*

DEAR SIR :—It is my painful duty to announce to you the decease of my friend, Joseph Shermer, late a member of your body.

It is the wish of his family that Councils should have an opportunity to attend his funeral, which will take place on Wednesday afternoon at 2 o'clock, from his late residence, N. E. corner Eighth and South Streets, and they are herewith respectfully invited.

With respect, your obedient servant,

WM. ELLIOTT.

Mr. Heins

Thereupon, offered the following Preamble and Resolutions :

*Whereas*, The Common Council of the City of Philadelphia has learned, with deep regret, the decease of *Joseph Shermer*, a member of their body, from the Seventh Ward, who died on Sunday morning the 6th inst., in the 52d year of his age: Therefore,

*Resolved* 1, That by this afflicting event this Chamber has been deprived of an esteemed and valuable member, and the community of a useful and public-spirited citizen, whose good actions and the faithful discharge of his duties, entitle his memory to high and respectful consideration.

*Resolved* 2, That as an expression of the estimation which this Council entertains of the public and private character of their deceased associate, and of the faithfulness and zeal with which he performed his duties in this body, the Common Council will place this record on their minutes, will attend his funeral, and will wear the usual badge of mourning for thirty days.

*Resolved* 3, That the members of Select Council, the Mayor and Heads of Departments be, and are hereby invited to join in this token of respect to the memory of a faithful and esteemed member of Council, and that the Clerk be directed to make the suitable and necessary arrangements for the solemn occasion.

*Resolved* 4, That the Common Council tender their sympathy and condolence to the family of the deceased in this, their melancholy bereavement; and that a copy of these Resolutions be signed by the President, and communicated to the family of the deceased member.

Mr. Wister

Seconded the Resolutions in an earnest and eloquent tribute to the virtues and memory of the deceased.

Mr. Dennis

Also supported the Resolutions by chaste and touching remarks upon the exemplary character of the deceased.

The Resolutions were read a second time and adopted.

The Preamble was agreed to.

Mr. Hacker

Moved that when this Council adjourns, it will adjourn to meet on Wednesday afternoon at 2 o'clock, and that the Mayor and Heads of Departments, be invited to meet them in this Chamber at that time.

Which was agreed to.

Mr. Hacker

Then moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, February 10, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Comley,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Dennis,
Doerr,
Dickinson,
Ellis,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Hunter,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham
Krider,
Luther,
Manuel,
Mascher,
McBride,
M'Cahen,
McClean,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,

Messrs. Roats,
Rothermel,
Rubicam,
Savage,
Server,
Schoch,
Simons,
Smedley,
Messrs. Thompson,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Wright,
Trego, *President.*

Mr. Krider

Presented a Petition for water pipes in Eighth Street between Reed and Dickerson.

Which was referred to the Committee on Water Works.

Mr. Heins

Presented a Petition from James Nicholl, asking employment.

Which was referred to the Committee on Police.

Also,

A Communication from the Hope Hose Company, asking an appropriation of $400.

Which was referred to the Committee on Trusts and Fire Department.

Mr. French

Presented a Petition for water pipes, in Pearl Street from Quince Street to Prosperous Alley.

Which was referred to the Committee on Water Works.

Mr. Dennis

Presented claims of William H. Kern, Noblitt & Brother, and Peter Wagner, against the City.

Which was referred to the Committee on Claims.

Mr. Nippes

Presented a Petition for a Fire Alarm Signal Box at Third and Brown Streets.

Which was referred to the Committee on Trusts and Fire Department.

Mr. H. Miller

Presented a Petition for removing the inlets on Arch Street between Twentieth and Twenty-first Streets.

Which was referred to the Committee on Surveys.

Mr. Potter

Presented a Petition for changing the name of Copper Place to Juniper Street.

Which was referred to the Committee on Highways.

Mr. Morris

Presented a Petition for a Culvert on Columbia Street, east of Cadwallader Street.

Which was referred to the Committee on Surveys.

Mr. Manuel

Presented Petitions for public lamps on Fawn Street and Twentieth Street, in the Twentieth Ward.

Which were referred to the Committee on Police.

Mr. Ellis

Presented a Petition of owners of properties on Franklin Street between Thompson Street and Girard Avenue for paving the same.

Which was referred to the Committee on Highways.

Mr. Harmer

Presented a Petitition for the opening of Wilson Street, from Haines Street to Mill Street.

Which was referred to the Committee on Highways.

Mr. Riley

Presented a Petition for a reservoir for water in the Twenty-fourth Ward,

Which was referred to the Committee on Water Works.

The President

Submitted a Petition from the West Philadelphia Engine Company for a Fire Alarm Signal Box in their house.

Which was referred to the Committee on Trusts and Fire Department.

Also,

A Petition from Dr. G. A. Wetzstein asking damages for the impassable condition of Girard Avenue.

Mr. Gordon

Presented a Petition for paving Mascher Street from Huntington to Somerset Street.

Which were severally referred to the Committee on Highways.

Also,

A Petition for Water Pipe in the same.

Which was referred to the Committee on Water Works.

The President

Submitted the following Communication :

CITY CONTROLLER'S OFFICE,
*Philadelphia, Feb.* 10, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—The attention of this Department has been called to the existence of some improprieties in the administration of the School Department, which I deem it my duty to bring before Councils, that some correction may be applied to prevent such occurrences in the future.

By Item 2 of appropriation approved October 16, 1858, the sum of five hundred and fifty dollars is voted for repairs to foundation of the iron railing, and paving yard at Glenwood School, House Twenty-first Section. I append hereto a bill of Samuel Ogden for $535 as per contract, and the Resolution of the Board of Controllers, that said bill shall be paid; this bill absorbs nearly all the appropriation and the paving of the yard yet remains to be done. Under Item 1, of the same appropriation, "for furnishing and finishing second story and fencing at the Roxborough School, in the Twenty-first Section," one thousand dollars has been appropriated; against this Item has been presented a bill of Samuel Ogden for one hundred and seventy-five dollars for iron railing for fence, this railing, from information I have, has not been delivered, let alone put up. Members of Councils can readily see, that it is not possible for the Controller to know of the circumstances attendant upon the contraction of any bill, cannot know whether the work charged for has been completed or not, and he is therefore compelled in some measure to lean upon the integrity of the Department from which a bill emanates; as it is presumable that a Committee of men, professing to be honest would not vote that a bill should be paid when the materials named and the labor charged for in the bill, have neither been delivered nor performed. The Committee passing the bill for $535 made doubtless the application for the appropriation, and based that application upon estimates for the work to be performed, and as they are now about to ask an additional appropriation for paving the yard of the Glenwood School, the subject ought to be enquired into why the paving was not done out

of the former appropriation. I am informed that the Clerk of the Department of Schools is custodian still of the warrant for $175 in favour of Samuel Ogden, alledging that it was drawn in order to prevent the amount from merging; if this be the fact it opens a wide door for abuses and takes the management of the fiscal affairs of the City out of the hands of the Treasurer and of Councils, and places them in the hands of Clerks of Departments.

Very respectfully, yours,

GEORGE W. HUFTY,

*City Controller.*

("Copy.")

*Philadelphia, December* 11*th*, 1858.

CONTROLLERS OF PUBLIC SCHOOLS.

To Samuel Ogden, Dr.

To work done at Glenwood School House 21st. Section, as per Contract, - $535 00

Approved J. S.

*Chairman Commissioner of Property.*

OFFICE OF THE CONTROLLERS OF PUBLIC SCHOOLS.
*Philadelphia, December* 17, 1858.

At a meeting of the Controllers of Public Schools First District of Pennsylvania, held at the Controllers Chamber on Tuesday December 14, 1858, the following Resolution was adopted.

*Resolved*, That an order be drawn in favour of Samuel Ogden for $535, for iron railing and rep irs at the Glenwood School House, Twenty-first Section.

Signed, R. J. HEMPHILL,

*Secretary.*

To GEO. W. HUFTY,

*City Controller.*

("Copy,")

*Philadelphia, December* 13, 1858.

THE BOARD OF CONTROL OF PUBLIC SCHOOLS

To Samuel Ogden, Dr.

| | |
|---|---|
| To 62 feet iron railing of Roxborough School House, $2 pr. ft. - - - | $124 00 |
| To 2 wrought iron gates, @ $12 00 | 24 00 |
| To 9 cast iron posts, @ $3 00 | 27 00 |
| | $175 00 |

Approved, December 13, 1858.

*Chairman Commissioner of Property.*

Which was referred to Committee on Schools.

Mr. Hacker,

From the Committee on Finance, presented a Report, with a Resolution annexed, entitled, "Resolution, authorizing the release of a certain property of Hanse Hamilton." (*See Appendix, No.* 104.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time, and adopted.

The same gentleman

Presented a further Report from the same Committee, with a Resolution annexed, entitled, "Resolution to release certain real estate of W. G. Conrow from the lien of a certain judgment." (*See Appendix, No.* 105.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report from the same Committee, with a Bill annexed, entitled, "An Ordinance to make an appropriation to the Clerks of the City Controller." (*See Appendix, No.* 106.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

The same gentleman

Presented a further Report from the same Committee, with a Bill annexed, entitled, "An Ordinance to levy and fix the rate of Taxes for the year 1859." (*See Appendix, No.* 107.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read a second time.

Mr. Mascher

Moved to postpone the further consideration of the Bill for the present.

On this motion the yeas and nays were demanded by Messrs. Mascher and Gay.

And were as follows:

YEAS:—Messrs. Cooley, Gay, Kerr, Mascher, McBride, McClean.

NAYS:—Messrs. Baird, Brenan, Bobb, Bowker, Brown, Bulloch, Cattell, Conrad Osborn, Conrad William, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Ghenn, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, Hunter, Hutchinson, Jones, Kelton, Kersey, Ketchum, Krider, Luther, Manuel, McCahen, Magary, Miller Geo. B., Miller Hiram, Mingle, Morris, Moyer, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam, Savage, Server, Schock. Smedley, Wagnea, Widey, Wister, Wright, Trego, *President*.

Yeas, 6. Nays, 58.

So the motion was not agreed to.

Mr. Cooley

Moved to amend the first Section by striking out "one hundred and seventy-five," and inserting "one hundred and sixty-five."

Mr. Gamble

Moved to amend the amendment by striking out "sixty-five," and inserting "seventy."

Which was not agreed to.

The amendment was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Fourth Section was agreed to.

The Title was agreed to.

The Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Mascher and Wildey.

And were as follows:

YEAS: — Messrs. Baird, Brennan, Bobb, Bowker, Brown, Bullock, Cattell, Comly, Conrad Osborn, Conrad William, Cooper, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gheen, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, Hunter, Hutchinson, Jones, Kelton, Kersey, Ketchum, Krider, Luther, Manuel, McCahen, Megary, Miller Geo. B., Miller Hiram, Mingle, Morris, Moyer, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam, Savage, Server, Schoch, Simon, Simons, Smedley, Thompson, Wagner, Wetherill, Wildey, Wister, Wright, Trego, *President.*

NAYS: — Messrs. Cooley, Gay, Kerr, Mascher, McClean.

Yeas, 66. Nays, 5.

So the Bill passed.

Mr. Bullock

From the Committee on Highways presented a Report with six Resolutions annexed entitled as follows,

1. "Resolution authorizing the Chief Commissioner of Highways to draw on Item 8 of the appropriation to that Department for the year 1859."

2. "Reso'ution to authorize the Chief Commissioner of Highways to contract for cleansing the Streets &c."

3. "Resolution to open Willow Grove Avenve, in the Twenty-second Ward."

4. "Resolution authorizing notice to be given for the curbing and paving of the side-walks of certain Streets."

5. "Resolution authorizing the grading of Washington Avenue and Catharine Street."

6. "Resolution to authorize the laying of a sideling on Dock Street."

Together with a Bill entitled, "An Ordinance to open Adams' street, in the Twenty-second Ward, from West Washington Lane to Johnston street."

Together with a Communication from the Chief Commissioner of Highways. (*See Appendix No.* 105.)

Mr. Bullock

Moved to proceed to the second reading and consideration of the first Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Baird

Moved to amend by inserting after the word "re-

quired," the words "not exceeding the sum of four thousand dollars a month."

Which was agreed to.

Mr. Gordon

Moved to further amend by adding the following as a proviso.

"*Provided*, that nothing herein contained shall authorize the Highway Department to contract for cleansing the streets, collecting ashes, or other work; and provided, further, that said work be done by the Supervisors of the several Districts."

Which was not agreed to.

The Resolution, as amended, was adopted.

Mr. Bullock

Moved to proceed to the second reading of the Second Resolution, entitled, "Resolutions to authorize the Chief Commissioner of Highways to contract for Cleansing the Streets," &c.

Which was agreed to.

The First Resolution was again read.

Mr. Bullock

Moved that the Resolution be adopted.

On this motion the yeas and nays were demanded by Messrs. Gordon and Handy.

And were as follows:

YEAS:—Messrs. Baird, Bobb, Bulloch, Cattell, Conrad Osborn, Conrad William, Cooley, Dickinson, Ellis, Fish, French, Gamble, Gay, Haas, Handy, Hodgdon, Kel-

ey, Kelton, Kerr, McBride, McCahen, McClean, Moyer, Potter, Riley, Rubicam, Thompson, Walsh, Wetherill, Wildey, Wright.

NAYS:—Messrs. Bowker, Comly, Cooper, Dennis, Doerr, Eckfeldt, Fisher, Fitler, Gheen, Gordon, Harbert, Hunter, Hutchinson, Jones, Kersey, Ketchum, Krider, Luther, Morris, Nippes, Pugh, Roats, Rothermel, Savage, Server, Simons, Smedley, Wagner, Trego, *President*.

Yeas, 31. Nays, 29.

So the Resolution was adopted.

The Second Resolution was again read.

Mr. Bullock

Moved that the Resolution be adopted.

On this motion the yeas and nays were demanded by Messrs. Gamble and Potter.

And were as follows:

YEAS:—Messrs. Baird, Bullock, Cattell, Cooley, Ellis, Fish, French, Gamble, Gay, Gillingham, Hacker, Haas, Handy, Harbert, Hodgdon, Kelly, Kelton, Kerr, McBride, McCahen, McClean, Moyer, Potter, Rubicam, Thompson, Walsh, Wetherill, Wister, Wright.

NAYS:—Messrs. Bobb, Bowker, Brown, Comrad Wm., Cooper, Dennis, Doerr, Dickinson, Eckfeldt, Fisher, Fitler, Gheen, Gordon, Hunter, Hutchinson, Jones, Kersey, Ketchum, Krider, Luther, Manuel, Morris, Nippes, Pugh, Riley, Roats, Rothermel, Savage, Server, Simons, Smedley, Wagner, Trego, *President*.

Yeas, 29. Nays, 32.

So the Resolution was not agreed to.

Mr. Riley

Moved to amend, by striking out all after "the work,"

and insert, "then the work shall be done by the Department of Highways, at an expense not exceeding the contract price in said District."

It was not agreed to.

The Third Resolution was read a second time and adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Third Resolution, entitled, "Resolution to open Willow-grove Avenue, in the Twenty-second Ward."

Which was agreed to.

Mr. Manuel

Moved to amend by adding at the end thereof:

Also, the owners of property over and along the line of Marshall Street, from Montgomery to Little Poplar Street, in the Twentieth Ward.

Which was agreed to.

Mr. Bowker

Moved to further amend by adding the following at the end thereof:

Also, the owners of ground through and over which the following named Streets are laid out on the plan of said City, to wit: Levering Street, between Cresson Street and Ridge Road, and Tower Street, between Levering Street and Shurs Lane, in the Twenty-first Ward.

Which was agreed to.

Mr. Gay

Moved to further amend by adding the following at the end thereof:

Also, on Collins Street, in Nineteenth Ward, between

Cumberland Street and Lehigh Avenue, and Amber Street, between Frankford Road and the Reading Railroad.

Which was agreed to.

Mr. Jones

Moved to further amend by adding the following:

And on Green Lane, from Ridge Road to Wood Street, in Twenty-first Ward.

The Resolution as amended was adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Fourth Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Jones

Moved to amend by adding the following at the end thereof:

Also Levering Street in the Twenty-first Ward between Tower Street and Ridge Road, at cost not exceeding one thousand dollars,

Which was agreed to.

The Resolution as amended was adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Fifth Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Bill accompanying the Report entitled,

"AN ORDINANCE

to open Adams Street in the Twenty-second Ward from West Washington Lane to Johnson Street."

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Wetherill,

On leave, presented a Report from the Special Committee to whom was referred the Bill, entitled,

"AN ORDINANCE

providing for the sale of the rights of the City in a portion of Wallace Street, in the Fifteenth Ward." (*See Appendix, No.* 109.)

And moved to resume the consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Bullock

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Mr. Gordon

Moved that when this Council adjourn, it adjourn to meet on Tuesday afternoon next at 3 o'clock, for the purpose of considering the Annual Appropriation Bills.

Mr. Mascher

Moved to amend by striking out "Tuesday," and inserting "Wednesday."

Mr. Pugh

Moved to strike out "Tuesday," and insert "Friday."

Which was agreed to.

The motion as amended was agreed to.

The following message from the Mayor, was received:

MAYOR'S OFFICE,
*Philadephia, February* 10, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances have been approved and signed, viz:

On the 3d inst., "An Ordinance to make an appropriation to the Department of Market Houses for the expenses thereof, for the year 1859."

On the 4th inst., "An Ordinance to make an appropriation to the Department for Supplying the City with Water, for the year 1859."

On the 8th inst., "An Ordinance to make an appro-

priation for the payment of the claims of Edward G. Webb, and others, against the City.

On the 9th inst., "An Ordinance to make an appropriation to the Clerks of Councils for the expenses of Councils for the year 1859, and to pay expenses incurred in the year 1858."

On the 9th inst., "An Ordinance further defining the duties of the City Commissioners and the Receiver of Taxes.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Council proceeded to the second reading and consideration of a Resolution from Select Council, entitled, "Resolution to release the securities of Geo. Cubbler."

Mr. Bullock

Moved to amend by adding the words: "*Provided*, That said George Cubbler, before satisfaction is so entered, shall execute a release to the City from all demands arising out of said contract."

Which was agreed to.

The Resolution as amended was adopted.

Mr. Hutchinson,

From the Committee on Surveys, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

authorizing the construction of a culvert on the line of Norris Street." (*See Appendix, No.* 110.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules, and read the bill a third time by its title.

Which was agreed to.

The bill was read a third time and passed.

Mr. Hutchinson

Presented a further Report from the same Committee, with a Resolution annexed, entitled, "Resolution relative to Surveys in the City of Philadelphia, (*See Appendix, No.* 111.)

And moved to proceed to the second reading and consideration of the Bill,

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Hutchinson

From the same Committee, presented a further Report, with a Bill annexed, entitled, "An Ordinance supplementary to an Ordinance, entitled 'An Ordinance re-organizing the Department of Surveys' approved October 25, 1855." (*See Appendix, No.* 112.)

Which was laid on the table, and ordered to be printed and placed on file.

The same gentlemen

From the same Committee presented a further Report with a Bill annexed, entitled, "An Ordinance to make an appropriation to Benjamin B. Thomas." (*See Appendix, No.* 113.)

Which was laid on the table, and ordered to be printed and placed on file.

Mr. Brown

From the Committee on Wharves and Landings presented a Report with a Resolution annexed entitled "Resolution authorizing the cleansing of Christian Street dock. (*See Appendix, No.* 114.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Mascher

Offered the following

## Resolution:

To investigate certain alleged frauds at the Almshouse.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That a Committee, consisting of three members from each chamber, be appointed to examine into the alleged frauds in the purchase of flour by the Guardians of the Poor for the Blockley Almshouse, and that said Committee have power to send for persons, papers, &c. in connection with said purchases.

And moved to proceed to the second reading of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

The President

Appointed Messrs. Mascher, Gordon, and Pugh, as a Committee under the Resolution.

Mr. Gordon

Moved to resume the consideration of a Bill, entitled, "An Ordinance to make an appropriation to defray a part of the expenses that have been incurred in celebrating the successful laying of the Atlantic Telegraph Cable."

Which was agreed to.

The Bill was again read.

Mr. Cooley

Moved to postpone the further consideration of the Bill indefinitely.

Select Council inform Common Council that they have concurred in the Bill, entitled, "An Ordinance, making an appropriation to the Clerks of the City Controller."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Superintendent of Trusts, for the purposes therein mentioned, for the year 1859."

Mr. Gordon

Moved to adjourn.

Which was agreed to.

And Council adjourned.

FRIDAY, February 11, 1859.

Council met pursuant to adjournment.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Hodgdon, |
| | Bobb, | | Hunter, |
| | Bowker, | | Kelley, |
| | Brown, | | Kelton, |
| | Bullock, | | Kerr, |
| | Cattell, | | Kersey, |
| | Conrad, William, | | Krider, |
| | Cooley, | | Manuel, |
| | Dennis, | | Mascher, |
| | Dickinson, | | McBride, |
| | Eckfeldt, | | McCahen, |
| | Fish, | | Megary, |
| | Fitler, | | Miller, Geo. B., |
| | French, | | Miller, Hiram, |
| | Gamble, | | Nippes, |
| | Gay, | | Potter, |
| | Gheen, | | Pugh, |
| | Gillingham, | | Riley, |
| | Gordon, | | Server, |
| | Haas, | | Simons, |
| | Hacker, | | Smedley, |
| | Handy, | | Wagner, |
| | Harbert, | | Walsh, |
| | Heins, | | Wildey, |

Wister.

Council resumed the consideration of the Bill, entitled, "An Ordinance to make an appropriation to defray a part of the expenses that have been incurred in celebrating the successful laying of the Atlantic Telegraph Cable."

Mr. H. Miller

Moved that the further consideration of the Bill be postponed for the present.

Which was agreed to.

Mr. Megary,

Moved to adjourn.

On this motion the yeas and nays were demanded by Messrs. Mascher and Pugh.

And were as follows:

YEAS:—Messrs. Dennis, Eckfeldt, Fitler, Gay, Gordon, Hunter, Krider, Mascher, McBride, Riley, Server, Walsh.

NAYS:—Messrs. Baird, Bobb, Bowker, Conrad William, Cooley, Dickinson, Fish, French, Gamble, Gheen, Gillingham, Haas, Hacker, Heins, Hogdon, Kelton, Kerr, Kersey, Manuel, M'Cahen, Miller Geo. B., Miller Hiram, Nippes, Potter, Pugh, Simons, Smedley, Wagner, Wister, Trego, *President.*

Yeas, 12. Nays, 29.

No quorum having voted, the question was not decided.

Mr. Mascher

Moved to adjourn.

Which was not agreed to.

Mr. Wister

Moved a call of the house, and the following gentlemen answered to their names;

Messrs. Baird, Bobb, Bowker, Bullock, Conrad Wm., Cooley, Dickinson, Eckfeldt, Fish, French, Gamble, Gay,

Gheen, Gillingham, Haas, Hacker, Handy, Heins, Hogdon, Hunter, Kelton, Kerr, Kersey, Krider, Manuel, Mascher, McBride, M'Cahen, Miller Geo. B., Miller Hiram, Nippes, Potter, Pugh, Riley, Server, Simons, Smedley, Wagner, Walsh, Wister, Trego, *President.*

Mr. Dickinson

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, February 14, 1859.

A Special Meeting of Common Council was held this day, in pursuance of the following call, to wit :

To Chas. B. Trego,

*President Common Council.*

Dear Sir :

Please call a Special Meeting of Common Council for Monday afternoon next, at 3 o'clock, for the purpose of considering the Annual Appropriation Bills for 1859, and unfinished business on President's desk.

Yours respectfully,

James Gay,
Mahlon H. Dickinson,
Peter Bobb,
W. W. Smedley,
Joseph Megary,
John Krider,
Solomon Wagner,
John J. Kersey,
Hiram Miller,
Thomas Potter,
Wm. J. Gillingham,
J. H. Pugh,
J. S. Fish,
R. Kelton.

*Feb.* 10, 1859.

Gen. Wm. F. Small,

*Clerk of Common Council.*

Sir:—Issue the usual notices for a Special Meeting in conformity with the above call.

Yours truly,

Chas. B. Trego,

*Feb.* 11, 1859. *President of Common Council.*

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Bullock,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Holmes,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
McBride,
M'Cahen,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Savage,
Server,
Simon,
Simons,
Smedley,
Steelling,
Thompson,
Walsh,
Wetherill,
Wister,
Wright,

Trego, *President*.

Mr. Heins,

On leave, offered the following

## Resolution:

*Whereas*, Certain persons, other than the Supervisors are at present paving over water inlets and trenches in the various divisions of the City. Therefore,

*Resolved*, That the Department of Highways be, and they are hereby required to inform this Council by what authority said work is now, or has been performed, and by what authority, if any, they have contracted with parties to perform the same.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Kerr,

On leave presented a Petitition from Andrew M. Grauel, asking that certain over-paid water rent may be refunded.

Which was referred to the Committee on Water Works.

Mr. Manuel,

On leave, presented the following deed, granting the ground over which a portion of Marshall Street, in the Twentieth Ward, will pass.

Know all men by these presents, that we, the subscribers, owners of property on Marshall Street, proposed to be opened, have, in consideration that the aforesaid Street shall be opened, remised, released, and forever quit claimed, and by these presents for ourselves, our heirs, executors and administrators, do remise, release, and forever quit claim unto the City of Philadelphia, those portions of

our respective properties lying on the line of said proposed Street, to a width necessary to make said Street correspond with that portion of it already laid out.

Wm. Duncan, 100 feet,
Jonathan Wright,
B. A. Shoemaker, 254 feet,
Andreas Gegner, 42 feet,
I. F. Belsterling, 18 feet,
Mrs. Wm. L. Stickney, 18 feet,
*Feb.* 10, 1859. David B. Taylor, 175 feet,

Witness, M. Scholfield.

The same gentleman

Presented the following.

## Resolution

Accepting the grant of certain parts of Marshall Street.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the grounds as deeded by William Duncan, Jonathan Wright, Benjamin Shoemaker, Andreas Gegner, J. F. Belsterling, Mrs. Wm. L. Stickney and David B. Taylor, to the City of Philadelphia, over which Marshall Street is laid out in the plan of the City, said ground being located in the Twentieth Ward of the said City, be and that the same, is hereby accepted, and the same be declared a public Highway, and further resolved that Marshall Street between Little Poplar and Montgomery Street in the Twentieth Ward of the City of Philadelphia, after the expiration of four months from the passage hereof, be opened to its full width, provided that the City shall not be liable for any damages that may arise or that may be claimed by the owner or owners of property or properties, over which the said Street may pass.

*Resolved*, That the Department of Surveys be directed to record the said deed of the dedication and plan annexed of Marshall Street in the Twentieth Ward, in the

proper office or offices of record and place the same in the archives of the City.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolutions were read a second time and adopted.

Mr. Gordon

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That a joint Committee of three mambers from each Council be appointed with authority to make a through examination of the heating apparatus used in the State House Buildings and report to councils what is necessary to be done to insure the entire safety of those buildings from destruction by fire.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Hacker

Moved to refer it to the Committee on City Property.

Which was agreed to.

Select Council informed Common Council that they had receded from their amendments to Common Council's Bill, entitled, "*An Ordinance to make an appropriation to the Department of City Property for the year* 1849, *and also to pay out-standing bills against said Department*," as follows, to wit:

From the amendment to Item 10.

From the amendment to Item 11.

From the amendment to Item 24.

From the amendment to Item 25.

Also, that they insisted in their amendments to Item 27, and also to the proviso to said Bill.

Mr. Hacker

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

Mr. Dennis

Moved that this Council insist upon its amendments non-concurred in by Select Council, and that a Committee of conference be appointed upon the points of difference between the two Chambers.

Which was agreed to.

The President

Appointed Messrs. Dennis, Gordon and Kerr, as a Committee of Conference.

Select Council informed Common Council that they had concurred in the Bill entitled, "An Ordinance to make an appropriation to the Department of City Commissioners to meet the expenses of that Department for the year 1859." with the following amendments in which they ask concurrance.

Amend the first Section as follows to wit:

1. "Item 4, For books and re-binding for the Prothonotary of the District Court, six hundred dollars."

2. "Item 8, For books and re-binding for the Prothonotary af the Court of Common Pleas, three hundred dollars.

3. Amend Item "20," by striking out the words "six thousand five hundred," and inserting "seven thousand."

4. Amend by striking out the proviso at the end of Item "26," in the words following, to wit: "Provided that the making out, indexing, and comparing the tax duplicates, and all work to be done as provided for in Item 24, shall be done by authority and under the management of the City Controller,"

5. Amend Item "30," by striking out "three," and inserting "five,"

6. Amend Item "43," by striking out the word "two," and inserting "four."

7. Amend Item "44." by striking out the words "seven hundred and fifty," and inserting "one thousand."

8. Amend Item "47," by strikikg out the word "six," where it occurs, and insererting "eight," and by striking out "twelve," and inserting "sixteen."

9. Amend Item "50," by striking out the word "three," and inserting "five."

10. Amend by inserting after Item "50," as follows, to wit: "51, To pay for books for the Office of the Clerk of Quarter Sessions, one hundred and fifty dollars; 52, To pay for books for the Office of the Clerk of the Orphants' Court, one hundred dollars."

11. Amend Item "62" by striking out the word "five," and inserting "eight."

12. Amend by inserting after Item "63" as follows, to wit: "64. For books of record for the Recorder of Deeds office, eight hundred and fifty dollars; 65. For blank books for the Office of the Register of Wills, two hundred and fifty dollars."

13. Amend by striking out Item "66" Rosine Association appropriation.

14. Amend by inserting the following, as Item "66" to wit: "66. To pay the bell ringers of St. Peters, St. Stephen's, and Christ Church, twenty-five dollars each, for ringing the chimes of said churches on Washington's birthday—$75 00."

15. Amend by adding a new Item "67," to wit: "67, For making out, indexing and comparing copies of the Tax Duplicates for the Controller's office for the year 1859, including the calculations and all other matters necessary to complete the same, $2,500."

16. Amend by adding a new Item "68," to wit: "68 For books and stationery incident to the making out and completing 24 copies of tax duplicates, $350."

17. Also by striking out the last clause of the proviso at the end of Section —, after "City Commissioners."

Mr. Potter

Moved to concur in the first amendment, to wit, Item 4.

Which was agreed to.

Mr. Megary

Moved to concur in the second amendment, to wit, Item 8.

Which was agreed to.

Mr. Heins

Moved to concur in the third amendment, to wit, Item 20.

Which was agreed to.

Mr. Kelley

Moved to concur in the fourth amendment, to wit, to Item 26.

Which was not agreed to.

Mr. M'Cahen

Moved to concur in the fifth amendment, to wit, Item 30.

Which was not agreed to.

Mr. Kelley

Moved to concur in the sixth amendment, to wit, Item 43.

Which was not agreed to.

Mr. Kelley

Moved to concur in the seventh amendment, to wit, to Item 44.

Which was not agreed to.

Messrs. Gay and Wagner

Moved to reconsider the vote upon non-concurrence in the amendment to Item 26.

Which was agreed to.

Mr. Wister

Moved to concur in said amendment.

Which was agreed to.

Mr. Megary

Moved to concur in the eighth amendment, to wit, Item 47.

Which was not agreed to.

Mr. Kelley

Moved to concur in the ninth amendment to Item 50.

Which was agreed to.

Mr. Brenan

Moved to concur in the tenth amendment to Items 51 and 52.

Mr. Kelley

Moved to concur in the eleventh amendment, to Item 62.

Which was not agreed to.

Mr. Heins

Moved to concur in the twelfth amendment, to wit. Items 64 and 65.

Which was agreed to.

Mr. Gay

Moved to concur in the thirteenth amendment, to wit, striking out Item 66, Rosine Association.

On this motion the yeas and nays were demanded by Messrs. M'Cahen and Cooley.

And were as follows:

YEAS:—Messrs. Bobb, Bowker, Brown, Conrad William, Dennis, Doerr, Eckfeldt, Enyard, Fish, Gay, Haas, Heins, Hodgdon, Jones, Kersey, Luther, McBride, Megary.

NAYS:—Messrs. Baird, Brenan, Conrad Osborn, Cooley, Cooper, Dickinson, Ellis, Fisher, French, Gamble, Gillingham, Gordon, Hacker, Handy, Harbert, Harmer, Holmes, Kelley, Kelton, Kerr, Ketcham, Krider, Manuel, M'Cahen, Miller Hiram, Moyer, Nippes, Potter, Riley, Roats, Savage, Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wright, Trego, *President.*

Yeas, 18. Nays, 40.

So the motion was not agreed to.

Mr. Hacker

Moved to concur in the fourteenth amendment, to wit, as Item 66, Ringing bells.

Mr. Megary

Moved to amend by striking out $75 and inserting $30.

Which was not agreed to.

Mr. Walsh

Moved to amend by adding, "And to pay Beck's Band, $80."

Which was not agreed to.

Mr. Gillingham

Moved to amend by adding the following:

And $25 to each of the following Fire Companies: Vigilant, United States, Humane, America, Friendship, Good Will, Western, Northern Liberty, and Fairmount Engine Companies, and the Wm. Penn, Independence, and Marion Hose Companies, for ringing their bells on Washington's Birthday.

Which was not agreed to.

The motion to concur was agreed to.

Mr. Kelley

Moved to concur in the fifteenth amendment, to wit, Item 67.

Mr. Riley

Moved to amend by adding:

"*Provided*, That said work shall be done under the superintendence of the City Controller."

Which was not agreed to.

The motion to concur was agreed to.

Mr. Megary

Moved to concur in the 16th amendment, to wit: new Item 68.

Which was agreed to.

Mr. Gordon

Moved to non-concur in the 17th amendment.

Which was agreed to.

Mr. H. Miller

On leave, offered the following

## Resolution:

Relative to the proposed repeal of a law relating to the payment of road damages.

*Whereas*, A Bill has been reported to the Legislature of Pennsylvania, repealing the 6th Section of the supplement to the Act of Consolidation relating to the payment of Road damages, therefore

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the members of the Senate and House of Representatives from the City of Philadelphia, be earnestly requested to use all honorable means to prevent the passage of such repealing act, as its success would prove injurious to the best interests of our City.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time, and adopted.

The Preamble was adopted.

The Title was agreed to.

Select Council informed Common Council, that they had concurred in the Bill entitled "An Ordinance to make an appropriation to the Fire Department for the year 2859, and to pay claims incurred during the year 1858," with the following amendments, in which they ask concurrence.

Amend Item "6," by striking out the word "America," and by changing the amount to $6,400.

Amend Item "9," by inserting after "Frankford," the word "*Manayunk*," and changing the amount to $1,800.

Amend Item "10," by striking out "*Manayunk*," also by striking out "$200," and inserting "$225," and changing the amount to $1,575.

Amend Item "16," by striking out "$87,50," and inserting "$175," and changing the amount to $525.

Amend Item "17," by inserting after the words "West Philadelphia," the words "*and America.*"

Also, by striking out the words "at the rate of," and "per annum payable monthly," and changing the amount to $34,000, and to add to the Item the following proviso, to wit:

"*Provided,* that the gratuities to the Companies named in Item 17, shall be at the rate of $400 per annum until they shall be in service as a Steam Engine Fire Company, after which the gratuity shall be at the rate of $2,000 per annum."

Also to amend after Item "21," by inserting the following, to wit:

22. To the Moyamensing Hose Company the sum of two hundred and sixty-six dollars and sixty-six cents, being the amount of their appropriation for six months, due July 1st, 1858, ($266,66.)

Amend the total of appropriation so as to read sixty-

five thousand nine hundred and fifty seven dollars and sixty-six cents.

Mr. Pugh

Moved to concur in the first amendment.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, February 17, 1859.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Ellis,
Eckfeldt,
Epler,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,

Messrs. Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
House,
Hutchinson,
Jones,
Kelley,
Kolton,
Kerr,
Kersey,
Ketcham,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
M'Cahen,
McClean,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,

| | |
|---|---|
| Messrs. Rothermel, | Messrs. Uber, |
| Rubicam, | Wagner, |
| Server, | Walsh, |
| Simons, | Wetherill, |
| Smedley, | Wister, |
| Steelling, | Wright, |
| Thompson, | Trego, *President.* |

Mr. McClean

Presented a Petition asking that Shippen Street, from Fifth to Eighth Streets, may be made a stand for market wagons.

Which was referred to the Committee on Markets.

Mr. Hacker

Presented a Bill of Thomas Dallam, for services in the City Controller's office amounting to $383 17.

Also,

A Communication from the City Treasurer in relation to compensation to the Clerks of that Department for extra services.

Which were referred to the Committee on Finance.

Mr. Bullock

Presented the following Communication:

DEPARTMENT OF PURLIC HIGHWAYS,
*Philadelphia, February* 17, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—In reply to your Preamble and Resolution passed at the last meeting, making certain enquries of this Department.

I hereby respectfully inform you that there is not now any paving being done, and that there has not any been done over

water inlets and trenches by the authority of this Department in any part of the City, neither has there been any contract made by the Department for doing any of said work.

Your obedient servant.

C. B. ANDRESS,

*Chief Commissioner of Highways.*

Which was laid on the table.

Mr. Hutchinson

Presented a Petition of Charles Fenby, asking for a return of certain Taxes paid by him in error.

Which was referred to the Committee on Highways.

Mr. Potter

Presented a Petition for the paving of Earp Street.

Mr. Smedley

Presented a Petition asking for an appropriation to turnpike a portion of Red Lion road, from the Bustleton Turnpike to Tillyer's School House.

Which were referred to the Committee on Highways.

Mr. Morris

Presented a Petition to pave Clinton Street, from Susquehanna Avenue to Cambria Street, and lay water pipe therein.

Which was referred to the Committee on Water Works.

Mr. Cattell

Presented a Petition for the grading of Thirty-nineth and Oregon Streets, in the Twenty-fourth Ward.

Which was referred to the Committee on Highways.

Mr. Server

Presented a Petition for gas lamps on Passyunk Road from Franklin to Mifflin Streets.

Which were referred to the Committee on Police.

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, Feb.* 17, 1859.

*To the President and Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—In auditing the books of Arthur Hughes Esq., Health Office, I find that he has paid into the City Treasury, over and above his receipts, the sum of thirty-six dollars and sixty-three cents, $36 63,

In order to reimburse him for this amount, I would respectfully suggest the passage of a Resolution refunding him out of Item 8, of an appropriation approved Jan. 28, 1859.

Very respectfully yours,
GEORGE W. HUFTY,
*City Controller.*

Which was referred to the Committee on Finance.

Also,

The following Communication.

OFFICE OF THE GUARDIANS OF THE POOR.
*Philadelphia Feb.* 17*th*, 1859.

*To the Common Council of the City of Philadelphia.*

GENTLEMEN:—I hereby notify you that a vacancy

exists in the Board of Guardians of the Poor of the City of Philadelphia, by the resignation of Geo. Huhn, M. D., of the Fourteenth Ward.

Yours, respectfully,

ISRAEL R. DEACON.

*Secretary.*

Which was laid on the table.

Mr. Gordon,

On leave, offered the following;

## Resolution:

To authorize certain inquiries of the Controllers of Public Schools.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Committee on Schools be directed to make the following inquiries, and report the answers to Councils.

1st. Why are the Graduates of the High School charged for their diplomas.

2d. Why the Students at the High School have to pay for their own books.

3d. What course is pursued by the Board of Control in regard to supplies for books and stationery for the Schools generally.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

A Message was received from Select Council, informing Council that they had passed a Resolution for the ap-

pointment of a Joint Special Committee to investigate the alleged frauds in the management of the Almshouse, in which they ask concurrence.

And that the President has appointed on the Committee, on the part of Select Council, Messrs. Davis, Schofield, and Norman.

Mr. Mascher

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The President

Appointed Messrs. Mascher, Gordon, and Pugh, the Committee under the Resolution.

Mr. Baird,

On leave, moved to resume the consideration of a Resolution from Select Council, entitled, "Resolution to authorize the construction of an additional railroad track for the City in Dock Street.

Which was agreed to.

The Resolution was again read and adopted.

The Preamble was adopted.

The Title was adopted.

So Common Council concurred.

Mr. Moyer,

From the Committee on Trusts and Fire Department, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to defray expenses in the removal of certain Telegraph Boxes, and the extension of the telegraph, and introduction of the same in the Steam Fire Engine Houses." (*See Appendix, No.* 115.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Council resumed the consideration of a Resolution from Select Council, relative to the contracts for Cleansing the Streets of the City.

The Resolution was again read.

Mr. Gordon

Moved to postpone its further consideration indefinitely.

On this motion the yeas and nays were demanded by Messrs. Kerr and Dickinson.

And were as follows:

YEAS:—Messrs. Bobb, Bawker, Conrad Osborn, Conrad William, Cooper, Dennis. Dickinson, Eckfeldt, Epler, Fisher, Gordon, Haas, Heins, Hutchinson, Jones, Ketcham, Luther, Mingle, Moyer, Pugh, Riley, Rothermel, Server, Uber, Wagner, Wister.

NAYS:—Messrs. Andress, Baird, Bulloch, Case, Cattell, Cooley, Day, Fish, French, Gamble, Gay, Gillingham, Hacker, Handy, Harbert, Hodgdon, House, Kelley, Kelton, Kerr, Kersey, Manderfield, Manuel, McBride, M'Cahen,

McClean, Miller Hiram, Potter, Roats Rubicam, Smedley, Steelling Thompson, Walsh, Wetherill Wright, Trego, *President.*

Yeas, 26. Nays, 37.

So the motion was not agreed to.

Mr. Gordon

Moved to postpone the Resolution for the present.

Which was not agreed to.

Mr. Gordon

Moved to amend by adding the following at the end of the Resolution.

*Provided*, That if the lowest bidders do not comply with the conditions of their proposals, the Commissioners of Highways shall then in such case, direct the supervisors of the several Wards to proceed with the cleansing of the streets. *And provided further*, that the same shall not exceed the amount appropriated.

Mr. Kelley

Asked for a division of the question.

Which was granted.

The question being on the first member.

The yeas and nays were demanded by Messrs. Gordon and Luther.

And were as follows:

YEAS:—Messrs. Bobb, Brown, Conrad Willian, Cooper, Dickinson, Eckfeldt, Fisher, Gillingham, Gordon, Harmer, Heins, Hutchinson, Ketcham, Luther, Moyer, Pugh, Riley, Rothermel, Simons, Steelling, Uber, Wagner.

NAYS.—Messrs. Andress, Baird, Brenan, Bullock, Case, Cattell, Cooley, Day, Ellis, Epler, Fish, French, Gamble, Gay, Gheen, Hacker, Handy, Harbert, Hodgdon, House, Kelley, Kelton, Kerr, Manderfield, Mascher,

McBride, M'Cahen, McClean, Miller Hiram, Potter, Roats, Rubicam, Smedley, Thompson, Walsh, Wetherill, Wister, Wright, Trego, *President.*

Yeas, 22. Nays, 39.

So the first member was not agreed to.

The question recurring on the second member, it was agreed to.

Mr. Steelling

Moved to amend by adding the following, as a further proviso.

"*And further provided,* That each Supervisor shall report once every two weeks to the Chief Commissioner of Highways, the names of the streets in his district (if any) that have not been cleaned within said period; whereupon said Chief Commissioner, shall proceed forthwith to have the same cleansed, and deduct the cost thereof from the contract price for cleansing said District."

Which was agreed to.

The Resolution as amended was adopted.

So Common Council concurred with amendments.

A message was received from Select Council, informing Council, that they had received a report from the Committee on Girard Estates with a Bill, entitled, "An Ordinance to provide for the appointment of an Attorney for the Girard Estates in Schuylkill and Columbia Counties." Which they have passed, and ask concurrence.

Mr. Wetherill

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read.

Mr. Gordon

Moved to amend by striking out "the Superintendent of Girard Estates be authorized and directed to nominate and with the consent of Select Council to appoint," and inserting, "there shall be elected by the Select and Common Councils in joint convention to serve."

Which was not agreed to.

The First Section was agreed to.

The Second Section was read.

Mr. Gordon

Moved to strike out the words "Committee on Girard Estates," and "Committee," whenever they occur.

Mr. Steelling

Moved to postpone the further consideration of the Bill for the present.

Which was not agreed to.

Mr. Bullock

Moved to amend the amendment by striking out the words "Mayor of the City of Philadelphia, by the Committee on Girard Estates of the Select and Common Councils, or by the Superintendent of the Girard Estates," and insert "Superintendent of Girard Estates, under the direction of the Committee on Girard Estates of the Select and Common Councils."

Which was agreed to.

The amendment as amended was agreed to.

The Section as amended was agreed to.

The Third Section was read.

Mr. Steelling

Moved to strike out "eight," and "five,"

Which was not agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wetherill

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Steeelling and Gordon.

And were as follows:

YEAS:—Messrs. Bowker, Brown, Bullock, Case, Conrad Osborn, Cooley, Cooper, Dennis, Ellis, Eckfeldt, Epler, Fish, Fisher, Fitler, French, Gheen, Gillingham, Haas, Hacker Handy, Heins, Hodgdon, House, Kelley, Kelton, Kerr, Kersey, Ketcham, Luther, Manderfield, Manuel, Mascher, McBride, M'Cahen, Miller Hiram, Morris, Moyer, Nippes, Pugh, Riley, Rothermel, Rubicam, Server, Simons, Smedley, Uber, Wagner, Walsh, Wetherill, Wister, Wright, Trego, *President.*

NAYS: — Messrs. Bobb, Conrad William, Gamble, Steelling.

Yeas, 51. Nays, 4.

So the Bill passed finally.

A Message was received from Select Council, informing Council that they had insisted in their non-concurrence in the amendments of Common Council to Select Council's

Bill, entitled, "An Ordinance supplementary to an Ordinance, entitled, an Ordinance to regulate Passenger Railways, approved July 7, 1857."

And have appointed on the points of difference between the two Chambers, Messrs. Bringhurst, Ford, and Cuyler.

Common Council amends by striking out fourth and sixth clauses.

Select Council refuses to concur.

The President

Appointed Messrs. Wm. Conrad, Fisher, and Brenan, the Committee from this Chamber.

A message was received from Select Council, informing Council that they had insisted on their non-concurrence in the amendment of Common Council to the draft of a supplement to the Act of Consolidation, relative to the Guardians of the Poor and Board of Health, to wit:

Strike out "Supreme Court of the State of Pennsylvania," and insert "Select Council," and to strike out the words, "City Councils in Joint Convention," and insert the words, "Common Council of the City of Philadelphia," and have appointed Messrs. Foster, Laughlin and Leidy, a Committee of Conference on the part of Select Council, on the points of difference between the Chambers on said Bill.

The President

Appointed Messrs. H. Miller, Wister and Bobb, the Committee from this Chamber.

A Message was received from Select Council, informing Council that they had insisted on their amendments to the Bill, entitled, "An Ordinance to make an appropriation to the Department of City Property for the year 1859, and also to pay outstanding bills against said Department."

And have appointed Messrs. Cuyler, Bradford, and

Enos, a Committee of Conference on the points of difference between the two Chambers.

Mr. Ketcham,

On leave, presented a Petition from Daniel Smith to have the name of "Prosser Retreat" changed to "Pleasant Retreat,"

Mr. Bullock

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the name of Pleasant Retreat be restored to the Street in the rear of Seventh Street, between Wallace and Coates Street, and that the sign boards naming said Street "Prosser Retreat," be removed.

Mr. Kelley

Moved to amend by adding the following :

And that the name of McIlwaine Street, in the Second Ward, be changed to Saratoga Street.

Mr. Potter

Moved to refer the Resolution and the Petition to the Committee on Highways.

Which was agreed to.

Mr. Smedley

Offered the following

## Resolution:

*Resolved*, That the Chief Commissioner of Highways be authorized and he is hereby instructed to have Frankford Street, from Paul to Little Tackony Creek, Penn Street,

Leiper and Franklin Street, each from Sellers to Pine Street Orthodox Street from Frankford to Leiper, Meadow Street from Frankford to Hedge Street, Twenty-third Ward, graded in conformity with the present confirmed grade of the above named streets.

Which was referred to the Committee on Highways.

A message was received from Select Council, informing Council that they had concurred in the Resolution, entitled, "Resolution relative to fire alarm bells, in the Third and Fourth Fire District," with the following amendment, in which they ask concurrence.

Amend the Second Resolution by striking out the words, "Sixth Ward Station House in Cherry Street above Fourth Street," and insert the words, "Eleventh Police District Station House in the 19th Ward."

Mr. Heins

Moved to concur in the amendment.

Which was agreed to.

Mr. Cooper

On leave presented a Petition for the removal of a pump and fire plug, in Front Street above Race Street.

Mr. Riley

Presented a Petition for a Reservoir for water in the Twenty-fourth Ward.

Which were referred to the Committee on Water Works.

Mr. Rubicam

Offered the following

## Resolution:

*Resolved*, By the Select and Common Council of the City of Philadelphia, that the court now named "Congress

Place" by the late action of City Councils, have its original name of "Carpenters Court" restored.

Which was referred to the Committee on Highways.

Mr. Riley

Presented a Petition to revise and grade Bridgewater Street, in the Sixth Ward.

Which was referred to the Committee on Highways.

Mr. Wagner

Moved to resume the consideration of a Bill entitled

"AN ORDINANCE

providing for the sale of the rights of the City in a portion of Wallace Street, in the Fifteenth Ward."

Mr. H. Miller

Moved to amend by proceeding to the consideration of the Bill entitled,

"AN ORDINANCE

to authorize a Loan for the extension of the Water Works."

Which was not agreed to.

A Message was received from Select Council informing Council that they had concurred in the Resolution entitled, "A Resolution authorizing the Chief Commissioner of Highways to draw on Item "8," of the appropriation to that Department for the year 1859," and also in the Resolutions entitled "Resolutions to authorize the Chief Commissioners of Highways, to contract for the Cleansing the City."

Also, that they have concurred in the Bill entitled, "An Ordinance to locate Steam Fire Engines."

Also, that they have concurred in the Resolution, en-

titled, "Resolution directing grade regulations to be established in the First Ward."

Mr. Mascher

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, February 21, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Ellis,
Eckfeldt,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,

Messrs. Hodgdon,
Holmes,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Mascher,
McBride,
M'Cahen,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Simons,
Smedley,

Messrs. Steelling,
Thompson,
Walsh,
Wetherill,
Messrs. Wildey,
Wister,
Wright,
Trego, *President.*

Mr. Potter,

From the Committee of Conference upon the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department of the City Commissioners, for the year 1857," presented a Report. (*See Appendix, No.* 116.)

Mr. Hacker

Moved that the Report be accepted.

Which was agreed to.

The President

Submitted the following Communication:

OFFICE OF THE RICHMOND GAS CO.,
*Philadelphia, Jan.* 10, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—In compliance with the requirements of the Charter of the Richmond Gas Company, the President respectfully submits his annual report of the affairs of the said Company for the year 1858.

The conveyance of the effects of the Company to the City of Philadelphia, under the provisions of a Deed of Trust, and agreeably to an Ordinance of Councils, passed May 10, A. D. 1858, having been made, taking effect from the 1st day of July last, the annexed Report is made only to that period.

*President's Annual Report.*

| | | |
|---|---|---|
| No. of feet of mains laid as per last Report, | | 20,527 |
| " " " in 1858, | | None. |
| No. of services in use at last Report, | | 318 |
| " " introduced in 1858, | | None. |
| No. of burners in use at last Report, | 1,560 | |
| " " additional in 1858, | 10 | |
| | | 1,570 |
| No. of public lamps at last Report, | | 79 |
| " " erected in 1858, | | None. |
| No. of cubic feet of gas consumed in 1858, | | |
| Private consumption, | | 906,000 |
| Public " | | 447,275 |
| | | 1,353,275 |
| No. of shares of stock issued at last Report, | | 1,484 |
| " " " in 1858, | | 166 |
| | | 1,650 |
| Whole amount of stock, | | $16,500 00 |
| Amount of construction account, | | 16,646 10 |

All of which is respectfully submitted,

E. R. Cope,

*President.*

Office of the Richmond Gas Co., }
*Philadelphia, Jan.* 10, 1859. }

*To the Select and Common Councils*
*of the City of Philadelphia.*

Gentlemen:—In compliance with the requirements

of the Charter of the Richmond Gas Co., the Treasurer respectfully presents the following Report.

REESE D. FELL,
*Treasurer.*

*Treasurer's Annual Report.*

| DR. | | | CR. | | |
|---|---|---|---|---|---|
| To Balance at last Report, | 157 | 14 | By Cash paid dividends, | 890 | 40 |
| " Cash received, gas sold to private consumers, | 977 | 62 | " " Int. on mains, | 300 | 00 |
| " Cash received, gas sold, public consumption, | 449 | 30 | " Cash paid labor on meter and service, | 167 | 33 |
| " Cash received, int. on mains, . . . | 200 | 00 | " Cash paid, salary, | 75 | 00 |
| " Cash received, services laid, . . . . | 64 | 51 | " " state tax, | 44 | 52 |
| " Cash received, R. D. Wood & Co., for rejected pipes, . | 35 | 91 | " " bill books, bills, registers and stationery, . . . | 36 | 07 |
| " Cash received, being amount overpaid for labor on meter and service for July last, and now returned, | 13 | 22 | " Cash paid, tubing, | 31 | 20 |
| | | | " " drips, bends, &c., . | 31 | 12 |
| | | | " " sundries, | 20 | 75 |
| | | | " " rep'ng meters, | 18 | 00 |
| | | | " " advertising, | 11 | 98 |
| | | | " " paving over service, | 10 | 10 |
| | | | " " meter cocks, | 10 | 00 |
| | | | " " acknowledging Deed of trust, | | 50 |
| | | | | 1646 | 97 |
| | | | Balance, . . | 250 | 73 |
| | $1,897 | 70 | | $1,897 | 70 |
| To balance, . . | 250 | 73 | | | |

The outstanding claims amount to $187 50.

Respectfully,
REESE D. FELL,
*Treasurer.*

Council resumed the consideration of a Bill, entitled,

"AN ORDINANCE

providing for the sale of the rights of the City in a portion of Wallace Street, in the 15th Ward."

Mr. Mascher

Moved that the further consideration of the Bill be indefinitely postponed.

Which was not agreed to.

The question recurring on the amendment to the amendment, offered by Mr. Rubicam, to wit: to strike out $8,000, and insert $3,900.

Which was not agreed to.

Mr. Cooley

Moved to amend the amendment by striking out $8,000, and inserting $5,000.

Which was not agreed to.

The question recurring on the amendment reported by Mr. Wetherill, fixing the price at $8,000.

The yeas and nays were demanded by Messrs. Mascher and Megary.

And were as follows:

YEAS:—Messrs. Bobb, Bowker, Conrad Osborn, Conrad William, Cooley, Cooper, Dennis, Gamble, Gay, Gheen, Gordon, Hunter, Kelley, Kelton, Kerr, Ketcham, Krider, Luther, Mascher, McBride, M'Cahen, Megary, Miller Geo. B., Mingle, Morris, Moyer, Savage, Thompson, Walsh, Wright.

NAYS:—Messrs. Baird, Brenan, Brown, Bullock, Case, Day, Dickinson, Ellis, Fish, Fisher, French, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Holmes, Jones, Kersey, Manderfield, Miller Hiram, Nippes, Potter, Pugh, Riley, Server, Steelling, Wagner, Wildey, Wister, Trego, *Pres't.*

Yeas, 30. Nays, 32.

Mr. Mascher

Moved to strike out $3,000, and insert $6,000.

Which was not agreed to.

Mr. Cooley

Moved to strike out $,3000, and insert $4,500.

Which was not agreed to.

Mr. Gordon

Moved to strike out $3,000, and insert $2,000.

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. H. Miller

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill the yeas and nays were demanded by Messrs. Mascher and Gamble.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Brown, Bullock, Case, Day, Dickinson, Ellis, Fish, Fisher, French, Gheen Gillingham, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, Holmes, Hunter, Jones, Kersey, Luther, Manderfield, Miller Geo. B., Miller Hiram, Morris, Nippes, Potter, Pugh,

Riley, Savage, Server, Smedley, Steelling, Thompson, Wagner, Wildey, Wister, Trego, *President.*

NAYS.—Messrs. Bobb, Bowker, Conrad Osborn, Conrad William, Cooley, Cooper, Dennis, Gay, Gordon, Kelley, Kelton, Kerr, Ketcham, Krider, Mascher, McBride, M'Cahen, Megary, Moyer, Walsh, Wright.

Yeas, 41. Nays, 21.

So the Bill passed finally.

Council resumed the consideration of the amendment of Select Council to the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Fire Department for the year 1859, and to pay claims incurred during the year 1858."

Amend Item "6" by striking out the word "America," and by changing the amount to $6,400.

Mr. Kerr

Moved to concur.

Which was agreed to.

Amend Item "9" by inserting after "Frankford" the word "*Manayunk,*" and changing the amount to $1,800.

Mr. Moyer

Moved to concur.

Which was agreed to.

Amend Item "10" by striking out "*Manayunk*," also, by striking out "$200" and inserting "$225," and changing the amount to $1,575.

Mr. Day

Moved to concur.

Which was agreed to.

Amend Item "16" by striking out "$87 50" and inserting "$175," and changing the amount to $525.

Mr. Moyer

Moved to concur.

Which was not agreed to.

Amend Item "17" by inserting after the words "West Philadelphia," the words "and America."

Also by striking out the words "at the rate of" and "per annum payable monthly," and changing the amount to $34,000, and to add to the Item the following proviso, to wit:—

"*Provided*, that the gratuities to the Companies named in Item 17, shall be at the rate of $400 per annum until they shall be in service as a Steam Engine Fire Company, after which the gratuity shall be at the rate of $2,000 per annum."

Mr. Moyer

Moved to concur.

On this motion the yeas and nays were demanded by Messrs. Potter and Mascher.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Bowker, Brown Cattell, Conrad William, Day, Dickinson, Eckfeldt, Fish Fisher, Gamble, Gay, Hacker, Hodgdon, Holmes, Hutchinson, Jones, Kelley, Kerr, Krider, Manderfield, Mascher, McBride, M'Cahen, Megary, Miller George B., Mingle, Moyer, Nippes, Pugh, Riley, Server, Smedley, Steelling, Wagner, Walsh, Wildey, Wright, Trego, *President.*

NAYS.—Messrs. Bullock, Case, Cooley, Cooper, Ellis, French, Gheen, Haas, Handy, Harbert, Heins, Hunter, Kelton, Kersey, Ketcham, Luther, Miller Hiram, Potter, Savage, Wister.

Yeas, 41. Nays, 19.

So the motion was agreed to.

Also, to amend after Item "21" by inserting the following, to wit:

22, To the Moyamensing Hose Company, the sum of two hundred and sixty-six dollars and sixty-six cents, being the amount of their appropriation for six months, due July 1st, 1858, ($266 66.)

Mr. Moyer

Moved to concur.

On this motion the yeas and nays were demanded by Messrs. Steelling and Krider.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Bowker, Brown, Bullock, Case, Cooley, Day, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gay, Gheen, Gillingham, Handy, Heins, Hodgdon, Holmes, Hunter, Hutchinson, Kelley, Kerr, Kersey, Manderfield, Mascher, McBride, M'Cahen,

Megary, Miller George B., Mingle, Moyer, Pugh, Server, Wagner, Walsh, Wildey, Wright, Trego, *President.*

Nays.—Messrs. Cattell, Cooper, Gamble, Kelton, Ketcham, Krider, Luther, Miller Hiram, Potter, Riley, Savage, Simons, Steelling, Wister.

Yeas, 42. Nays, 14.

Messrs. Kelley and Smedley.

Moved to reconsider the vote upon the amendments to to Item 17.

Which was agreed to.

Council concurred in the last amendment altering the total amount of the alteration.

Mr. Luther

Moved to resume the consideration of the Bill entitled " a suppliment to an Ordinance establishing the Law Department, approved August 22, 1854."

Which was agreed to.

The First and only Section was again read.

Mr. Bullock,

Seconded by Messrs. Kerr, Gay, Wister, Haas, Cooley, Heins, Wright, Ellis, Gillingham, M'Cahen, Megary, Wagner,

Moved the previous question.

The question being shall the main question be now put.

It was agreed to.

On the agreeing to the First Section, the yeas and nays were demanded by Messsrs. Wister, and Kerr.

And were as follows:

YEAS:—Messrs. Baird, Brennan, Case, Cooper, Dennis, Eckfeldt, Gamble, Handy, Hutchinson, Kelton, Luther, Manderfield, Moyer, Server, Simons.

NAYS:—Messrs. Bobb, Bowker, Bullock, Cattell, Conrad Osborn, Conrad William, Cooley, Ellis, Fish, Fisher, French, Gay, Gheen, Gillingham, Haas, Harbert, Heins, Hodgdon, Holmes, Hunter, Jones, Kelley, Kerr, Kersey, Ketchum, Mascher, McBride, M'Cahen, Megary, Miller Hiram, Nippes, Potter, Riley, Smedley, Steelling Thompson, Wagner, Walsh, Wildey, Wister, Wright, Trego, *President.*

Yeas, 15. Nays, 41.

So the Section was not agreed to.

A message was received from Select Council informing Councils, that they had passed, a Resolution, entitled, "Resolution to enter satisfaction on the Bond of Wm. H. Oskins."

Mr. Kelley

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Riley

Moved to proceed to the second reading and consideration of the Bill entitled "An Ordinance to make an appropriation for the use of the Girard College for the year 1859."

Which was agreed to.

The First Section was read.

Mr. Riley

Moved to amend by adding the following:

41. To pay warrant No. 457, School Philosophical Apparatus, Item No. 28, $12 33. Warrant No. 470 Subsistence, Item No. 1, $45 25. Warrant No. 479 Rewards of Merit, Item No. 38, $59 73.

Which was agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

The Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

So Common Council concurred with amendments.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Resolution from Select Council, entitled, "Resolution releasing the Minehill and Schuylkill Haven Railroad Company, from cerrain damages."

Which was agreed to.

The pending amendment offered by Mr. Hacker, was on leave withdrawn.

The Resolution, was adopted.

So Common Council concurred.

Mr. Potter

Read in his place, and submited to the chair, a Bill, entitled,

"AN ORDINANCE

to make a further appropriation to the Board of Health for the expenses of that Department for the year 1859." (*See Appendix, No.* 117.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Potter

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

A Message was received from Select Council, informing Council that they had concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Guardians of the Poor, for the expenses of that Department for the year 1859," with the following amendments, in which they ask concurrence:

Amend by striking out all after the enacting clause, and inserting the following, to wit:

"That the sum of one hundred and eighty-six thou-

sand, four hundred and one dollars be, and the same is hereby appropriated to the Board of Guardians of the Poor, for the expenses of the Department under their care, for the year eighteen hundred and fifty-nine, as follows:

1. For flour and corn meal, twenty-five thousand dollars.
2. " beef, mutton, pork and bacon, thirty thousand five hundred dollars.
3. " codfish, five hundred and fifty dollars.
4. " tea and coffee, four thousand dollars.
5. " brown sugar, thirty-five hundred dollars,
6. " rice, eighteen hundred dollars.
7. " butter and lard, two thousand dollars.
8. " crackers, three hundred dollars.
9. " pepper, hops and malt, one hundred and fifty dollars.
10. " molasses, twenty-four hundred dollars.
11. " vinegar and pickles, one hundred and fifty dollars.
12. " potatoes and beans, two thousand dollars.
13. " salt, two hundred dollars.
14. " eggs, two hundred and fifty dollars.
15. " marketing for old women's asylum, four hundred dollars.
16. " marketing for the Almshouse, seven hundred dollars.
17. " shirting, sheeting and flannels, two thousand dollars.
18. " calicoes, ticking, diaper and crash, seven hundred and fifty dollars.
19. " blankets, five hundred dollars.
20. " boots and shoes, five hundred dollars.
21. " hose, two hundred dollars.
22. " yarn, thread and cotton, one thousand dollars.
23. " hats, one hundred and twenty-five dollars.
24. " combs, needles and trimmings, one hundred and fifty dollars.

*For medicines and supplies for the Medical Department of the Almshouse, as follows:*

25. For marketing and provisions, for sick and nurses in Hospital and Lunatic Asylum, three thousand dollars.

26. For drugs and medicines, four thousand dollars.
27. " white and brown sugar, two hundred dollars.
28. " butter and lard, one hundred and fifty dollars.
29. " oat and cake meal, three hundred dollars.
30. " brandy for the use of the sick, two hundred dollars.
31. " wine for the use of the sick, four hundred dollars.
32. " whiskey for the use of the sick, four hundred dollars,
33. " porter for the use of the sick, seven hundred dollars.
34. " surgical instruments, four hundred dollars.
35. " leeches, two hundred dollars.
36. " incidental expenses of the Hospital and Lunatic Asylum, two hundred dollars.

*For the expenses of the Children's Asylum, as follows:*

37. For supplies for matron's table, three hundred dollars.
38. " butter, sugar, and groceries generally, seventy dollars.
39. " yarn and hose, two hundred dollars.
40. " muslin, ticking, satinets, flannels, drillings and dress goods, for boys' and girls' wear, one thousand dollars.
41. " shoes, two hundred dollars.
42. " trimmings for children's clothing, and combs, fifty dollars.
43. " school books, one hundred dollars.
44. " incidental expenses, one hundred dollars.

*For expenses of the Manufacturing Department, as follows:*

45. For leather, thirty-five hundred dollars.
46. " tallow, and caustic alkali, one thousand dollars.
47. " coal, iron and steel, one hundred and fifty dollars.
48. " tin, glass, paints, varnish, oil, glue and brushes, five hundred dollars.
49. " tools, and weaving utensils, one hundred and twenty-five dollars.
50. " shoe findings, one hundred and fifty dollars.
51. " chain and filling, three thousand dollars.
52. " incidentals, one hundred and fifty dollars.

*For the expenses of the Farm, Blockley estate, and House generally, as follows:*

53. For repairs to stoves, ranges, and other cooking apparatus, five hundred dollars.
54. " coffee roasting, one hundred dollars.
55. " repairs, one thousand dollars.
56. " plumbing, five hundred dollars.
57. " furniture, three hundred dollars.
58. " hardware, and crockery ware, four hundred dollars.
59. " lumber, fifteen hundred dollars.
60. " straw, two thousand dollars,
61. " tobacco, one thousand dollars.
62. " yarn, six hundred dollars.
63. " soap, candles, lime, and starch, six hundred and fifty dollars.
64. " oil, one hundred dollars.
65. " gas, twenty-four hundred dollars.
66. " brushes and brooms, (provided they are purchased of the Board of Managers of the House of Refuge, or of the Blind Institute,) four hundred and fifty dollars.
67. " feed for horses for the use of Almshouse, four hundred dollars.
68. " oats, middlings, and corn meal, for horses and cows on farm, one thousand dollars.
69. " cleansing sinks and chimneys, one hundred dollars.
70. " the construction of a new bake oven, two thousand dollars.
71. " blacksmith work, two hundred and fifty dollars.
72. " clothes lines, thread, cotton, and other trimmings, one hundred and fifty dollars.
73. " toll, fifty dollars.
74. " swill, one hundred dollars.
75. " seed, and farming utensils, and repairs, one hundred dollars.
76. " manure and repairs to meadow banks, one hundred dollars.
77. " board of assistant farmers, one hundred and thirty dollars.
78. " cost of taking up hogs, fifty dollars.

79. For travelling expenses of house agent, two hundred dollars.
80. " quarrying stone, two hundred dollars.
81. " incidentals, two hundred dollars.

*For salaries, as follows*:

82. For the payment of the salaries of the steward, clerk, house agent, storekeeper, matron, baker, door-keeper, and agent's clerk, five thousand four hundred and twenty dollars.
83. " salaries of the chief resident physician, apothecary, assistant apothecary, leecher cupper, and engineer, four thousand four hundred dollars.
84. " salary of the matron and teacher in the children's asylum, five hundred and fifty dollars.
85. " salary of the superintendent of the manufactory, farmer and gardener, seventeen hundred and thirty-two dollars.
86. " salary of the secretary of the board, out-door agent, wagon driver, and messenger, twenty-four hundred and eighty-eight dollars.
87. " salaries of out-door visitors, five thousand four hundred and fifty dollars.
88. " salaries of two additional visitors, for the months of January and February, one hundred and sixty-seven dollars.
89. " salaries of out door apothecaries, ten hundred and forty dollars.
90. " salaries of out-door physicians, fifteen hundred dollars.
91. " wages on pay roll, chargeable to expenses, fifteen hundred dollars.
92. " wages on pay roll, chargeable to medical department, three thousand dollars.
93. " wages on pay roll, chargeable to children's asylum, five hundred dollars.
94. " wages on pay roll, chargeable to manufactory, two hundred and fifty dollars.
95. " coal for Almshouse, seven thousand dollars.
96. " wood for Almshouse, one thousand dollars.
97. " ground rent of city office, one hundred and eighty dollars.

98. For repairs to water closets in men's lunatic asylum, five hundred dollars.
99. " stationery, printing, and advertising, one thousand dollars.
100. " railroad and omnibus tickets, six hundred dollars.
101. " gas, water, rent, and repairs to city office, one hundred and fifty dollars.

*For the Support and Maintenance of the out-door Poor, as follows:*

102. For the expenses on account of support and bastardy cases, ten thousand dollars.
103. " cupping and leeching, three hundred dollars.
104. " burial of small pox and other cases, one hundred and fifty dollars.
105. " costs in suits of desertion and other cases, two hundred and fifty dollars.
106. " removal of non-resident paupers, five hundred dollars.

*For the relief of the out-door poor of the City, as follows:*

107. For the First Poor District, for fuel, three thousand dollars.
108. " the First Poor District, for other purposes, one thousand dollars.
109. " the Second Poor District, for fuel, three thousand dollars.
110. " the Second Poor District, for other purposes, one thousand dollars.
111. " the Third Poor District, for fuel, eight thousand dollars.
112. " the Third Poor District, for other purposes, thirty-five hundred dollars.
113. " the Fourth Poor District, for fuel, twenty-five hundred dollars.
114. " the Fourth Poor District, for other purposes, one thousand dollars.
115. " the Fifth Poor District, for fuel, twenty-five hundred dollars.
116. " the Fifth Poor District, for other purposes, twelve hundred dollars.

117. For the Sixth Poor District, for fuel, four thousand dollars.
118. " the Sixth Poor District, for other purposes, twelve hundred dollars.
119. " the Seventh Poor District, for fuel, one thousand dollars.
120. " the Seventh Poor District, for other purposes, seven hundred dollars.
121. " the Eighth Poor District, for fuel, one thousand dollars.
122. " the Eighth Poor District, for other purposes, seven hundred dollars.
123. " the Ninth Poor District, for fuel, five hundred dollars.
124 " the Ninth Poor District, for other purposes, nine hundred and fifty dollars.
125. " the Tenth Poor District, for fuel, four hundred and fifty dollars.
126. " the Tenth Poor District, other purposes, eight hundred dollars.
127. " lasts for manufactory, one hundred dollars.
128. " a hose tender, thirty dollars.
129. " books and binding for Library, one hundred dollars.
130. " erection of water closets in children's asylum, seven hundred dollars.
131. " repairs and erection of water closets in Lunatic Asylum, five hundred dollars.
132. " board of assistant resident physicians, sixteen hundred and sixty-four dollars.
133. " the Eleventh Poor District, for fuel, two hundred dollars.
134. " the Eleventh Poor District, for other purposes, two hundred dollars.
135. " State Taxes, three hundred dollars.
136. " rent of Offices for Visitors of the Poor, nine hundred dollars.

SEC. 2. That not more than three-fourths of the amount appropriated in the first Section of this Ordinance, for the relief of the out-door poor, shall be expended before the first day of July, one thousand eight hundred and fifty-nine;

and provided that for purposes of out-door relief, as contemplated by the said First Section, the several districts as already established by the Board of Guardians, shall be recognised as fully as if they had been established by Ordinance.

SEC. 3. That warrants for said appropriation shall be drawn in conformity with existing Ordinances.

Mr. Hacker

Moved to proceed to the second reading and consideration of the amendments.

Which was agreed to.

The amendments were again read.

Mr. Bullock

Moved to concur in the amendment of Select Council to the Bill comprising the first Section.

Mr. Luther

Moved to amend by striking out Item 54, "for coffee roasting $100."

Which was agreed to.

Mr. Megary

Moved further to amend by striking out the word "five" in Item 56, and insert "two."

Which was agreed to.

Also,

To amend Item 60, by striking out the words, "two thousand," and inserting "fifteen hundred."

Which was agreed to.

Mr. Luther

Moved further to amend by striking out Item 74, "for swill, $100."

Which was agreed to.

Mr. Heins

Moved further to amend by adding to Item 128 the words, "and for screws and pipes for Fire Hose $75, $105."

Which was agreed to.

And the first section of the Bill as amended was agreed to.

The second section of the amendment was read.

Mr. H. Miller

Moved to amend by striking out Section 2 of the Bill as amended by Select Council and inserting the following:

SEC. 2. That all articles enumerated in the Ordinance, for supplies to be furnished to the Almshouse, shall be purchased at the wholesale cash prices of said articles; and, that the Controller shall not audit any bills in which the price of articles are higher than the aforesaid wholesale cash prices. *Provided*, that hereafter all supplies to be furnished to the Almshouse, shall be purchased by the Steward of said Almshouse, (who shall certify, under oath to each Bill,) and under the direction of the joint standing Committee on Poor of Councils. *And provided further*, that the Controller shall audit no Bills contracted for by the Steward or Guardians of the Poor, unless said Bills are signed by a majority of the Committee on Poor.

Which was agreed to.

The Third Section of the Bill as amended by Select Council was agreed to.

So Common Council concurred with amendments,

Mr. Pugh

Moved to resume the consideration of the Bill, entitled,

"AN ORDINANCE

to make an appropriation to defray a part of the expenses that have been incurred in celebrating the successful laying of the Atlantic Telegraph Cable."

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Steelling and Cooley,

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Brown, Bullock, Cooper, Gamble, Gheen, Hacker, Harbert, Hodgdon, Hunter, Hutchinson, Kelton, Kerr, Kersey, Krider, Luther, Mascher, M'Cahen, Megary, Miller Hiram, Morris, Moyer, Potter, Pugh, Riley, Server, Simons, Smedley, Thompson, Wagner, Walsh, Wildey, Wister, Wright.

NAYS. — Messrs. Bowker, Cattell, Conrad Osborn, Cooley, Dickinson, Ellis, Gillingham, Haas, Handy, Heins, Manderfield, Nippes, Steelling, Wetherill, Trego, *President.*

Yeas, 37. Nays, 14.

So the Bill passed finally.

A message was received from Select Council, informing Council that they had received a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution to authorize contracts to be entered into for the purpose of supplying the 'Department for supplying the City with water,' with tallow, coal, iron pipe, &c., for the year 1859," which they have passed, and ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Potter

Moved that when this Council adjourn it adjourn to meet on Wednesday afternoon, at 3 o'clock, and that the Clerks be directed to notify the members.

Which was agreed to.

Mr. Megary

Offered the following:

## Resolution:

*Resolved*, By Select and Common Councils of the City of Philadelphia, That a gas lamp be located in the South end of the Market House of Section No. 1. Also a gas lamp at the corner of Third and Reed Streets.

Which was referred to the Committee on Police.

Select Council informed Common Council, that they had passed a Bill, entitled "A supplement to an Ordinance establishing the Law Department of the City of Philadelphia, approved August 22nd, 1854," in which they ask concurrence,

Mr. Megary

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## WEDNESDAY, February 23, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bullock,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gillingham,
Gordon,
Haas,
Hacker,
Harbert,
Heins,
Hodgdon,
Hutchinson,
Jones,
Kerr,
Krider,
Luther,
Manuel,
Mascher,
M'Cahen,
McClean,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Smedley,
Steelling,
Thompson,
Wagner,
Wildey,
Wister,
Trego, *President.*

Mr. Luther

Offerred the following

## Resolution

To Release the Sureties of P. and J. Nailis.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be instructed to release the sureties of P. & J. Nailis, contractors for building the wing walls of Girard Avenue Bridge, upon the Chief Commissioner of Highways and the Chief Engineer and Surveyor certifying that said work has been performed in accordance with the contract.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time, and adopted.

The Title was adopted.

Mr. Fish

Moved that certain claims of John McCleland and Jacob Opperman, which had been referred to the Committee on Markets, be transferred to the Committee on Claims.

Which was agreed to.

Council resumed the consideration of a Resolution, entitled, "Resolution to renew the lease of the Girard pier at Fairmount."

Mr. Kerr

Moved that the Resolution be adopted.

Which was agreed to.

So Common Council concurred.

Council resumed the consideration of a Resolution, entitled, "A Resolution explanatory of a Resolution passed March 15, 1858."

The Resolution was read a second time and adopted.

So Common Council concurred.

Council resumed the consideration of a Resolution, entitled, "Resolution to authorize the sale of a certain lot of ground belonging to the City."

The Resolution was read a second time and adopted.

So Common Council concurred.

Council resumed the consideration of a Bill, entitled,

AN ORDINANCE

to extend the iron main on the Frankford Road from Westmoreland Street to Harrison Street, and to make an appropriation for the same."

The Bill was read a second time and passed.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Smedley

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

Council resumed the consideration of the Bill, entitled,

"AN ORDINANCE

to provide for the Department of Commissioners to digest and report a Muncipal code."

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wister.

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Council resumed the consideration of a Bill, entitled,

"AN ORDINANCE

to make an appropriation out of the income of the Girard Estates, for the purposes therein mentioned."

The First Section was again read.

Mr. Riley

Moved to amend by adding the following:

Item 12, For unpaid Warrants of the year 1858, as follows: No. 301, Outside Painting, Item No. 8, $60.

Item 13, For Insurance of twelve houses, Brown Street, $722.

Item 14, For Salary, Attorney Schuylkill County, $666 67.

Mr. Gamble

Moved that the further consideration of the Bill be postponed for the present.

Which was agreed to.

Council resumed the consideration of a Resolution, entitled, "Resolution to enter satisfaction on the bonds of Israel N. Bell."

The Resolution was read a second time and adopted.

Council resumed the consideration of a Resolution, entitled, "Resolution, to enter satisfaction on a certain Bond."

The Resolution was read a second time and adopted.

Council resumed the consideration of the Bill entitled "An Ordinance to make an appropriation to the Guardians of the Poor.

Mr. Riley

Moved to postpone the further consideration of the Bill indefinately.

Which was agreed to.

Council resumed the consideration of the Resolution entitled, "Resolution relative to interments."

Mr. Bullock

Moved to postpone the further consideration of the Bill for the present

Which was agreed to.

Council resumed the consideration of the Resolution from Select Council entitled, "Resolution on the subject of printing, authorized by the Clerks of Councils."

Which was agreed to.

The Resolution was again read.

Mr. Bullock

Moved to amend the same by striking out "500." and inserting "750."

Moved that the further consideration of the Resolution be postponed indefinitely.

On this question the yeas and nays were required by Messrs. Steelling and Gay.

And were as follows;

YAES:—Messrs. Baird, Bullock, Cattell, Conrad William, Day, Dennis, Doerr, Dickinson, Eckfeldt, Fish, Fisher, Gamble, Hacker, Harbert, Heins, Kerr, Krider, Manuel, Mascher, Megary, Moyer, Savage, Server, Smedley, Thompson, Wildey, Wister, Trego, *President.*

NAYS: — Messrs. Conrad Osborn, Cooley, Cooper, Ellis, French, Gay, Gillingham, Haas, Hodgdon, Hutchinson, Luther, Miller Hiram, Nippes, Potter, Riley, Steelling, Wagner.

Yeas, 28. Nays, 17.

A quorum of member not voting the question was not decided.

Mr. Dennis

Moved that Council adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, February 24, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Comley,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Haas,
Hacker,
Handy,

Messrs. Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McCahen,
McClean,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Nippes,
Potter,

| | |
|---|---|
| Messrs. Pugh, | Messrs. Steelling, |
| Riley, | Thompson, |
| Rubicam, | Uber, |
| Savage, | Wagner, |
| Server, | Walsh, |
| Schoch, | Wetherill, |
| Simon, | Wildey, |
| Simons, | Wister, |
| Smedley, | Wright, |

Trego, *President.*

The President

Submitted the 11th annual report of the Board of Directors of Girard College for Orphans. (*See Appendix, No.* 118.)

Which was laid on the table.

Also,

The following Communication:

*Philadelphia, February* 24, 1859.

*To the Common Council*
*of the City of Philadelphia.*

GENTLEMEN:—I learn by the papers of this morning, that the appropriation of $300 for the purchase of clothing as passed by Select Council, was indefinately postponed, which is much to be regretted as it would have benefitted the Institution greatly.

You will please take into consideration that the clothing of the inmates was all burned by the fire in December last, to the amount of at least $3000.

We have at least 150 to 200 inmates at an expense of about $1 40 per week, and who would have been discharged some time since but that their clothing was destroyed by the fire, their discharge probably would have been a saving to the present time of upwards of a thousand dollars.

I beg to urge this as a case of great neccessity, we cannot turn them out without clothing; there are some inmates who are not paupers by *choice* or misconduct but many who have sought refuge here through poverty, sickness, &c., and who still have left some promptings of that kind of pride that shudders at the name of *Pauper*, and would gladly avail themselves of an oppurtunity to leave the Institution, if the same could be done with some show of respectability, it is for such, more particularly, that I solicit your favourable consideration of the desired appropriation.

There is no other item that these men could be supplied from, therefore the necessity of a *special* appropriation.

I am gentlemen, with sincere regards,

MARSHALL HENSZEY.

*Steward, Philadelphia Almshouse.*

Messrs. Bullock and Mascher

Moved to reconsider the vote upon the indefinite postponement of the Bill entitled, "An Ordinance to make an appropriatlon to the Guardians of the Poor."

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed finally.

So Common Council concurred.

Also,

The following communication.

CITY SOLICITOR'S OFFICE,
*Philadelphia, Feb.* 24, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN :—I feel it incumbent upon me to call your attention to needed legislation within the power of Councils, touching unpaid registered taxes, which this Department is required to collect. These are now the unpaid taxes of 1854, 1855 and 1856. The law of 1858, makes it my duty to enforce their payment by sale of the real estate, upon which they are a lean. To do this I must file in the Prothonotary's Office the claim containing an accurate description of the property against which this tax has been assessed. This description can only be furnished by the District Surveyors.

About two thousand bills have been furnished this Department since I have been at its head, all of which have been placed in the hands of the proper District Surveyors, and from the whole we have, up to this time, received about four hundred descriptions with no prospect of a proportionably greater number for the future.

The Receivers books show hundreds of thousands of dollars of unpaid taxes for the years above mentioned, and while some no doubt have been paid, many thousands of dollars upon them are yet due the City. If this fact is not an argument strong enough to induce action I can present none. The law has imposed a duty upon me in this matter, and if I cannot perform it because Councils fail to provide the means, I will at least relieve myself from responsibility; and, to do this, I direct attention to an obstacle in the way of my obeying the law and which you can remove. Under the present system, not only is the Act of 1858 a failure, but a premium is offered the tax

payer to become a delinquent, as the City will not enforce her rights, and the citizen who does pay, bears more than his just burden.

This communication is not intended as to reproach the Surveyors. They contend that they should be paid for this service, which question, I believe, has led to the delay in your bodies, which I now complain of. It is not for me to decide whether they should not receive extra compensation for this service, but for you. I want the description that I may obey the law.

Liens have been filed against all properties of which I have had decriptions, the necessary advertisement has been made preceding the issue of scaire facias. I shall obtain Judgemedt as soon as posible, and proceed to sell the property if the taxes be not paid.

Respectfully yours,

HENRY T. KING,

*City Solicitor.*

Which was referred to the Committee on law.

Also,

The following Communication:

OFFICE SCHUYLKILL NAV. COMPANY.
*Philadelphia, Feb.* 24, 1859.

*To the Common Council*
*of the City of Philaelphia.*

GENTLEMEN:—I have been directed by the Managers of the Schuylkill Navigation Company, to remonstrate against the passage of so much of a bill now pending in your body, as proposes to erect new works for supplying the City with water, from the dam at Fairmount.

It is believed by said Managers, that the plan proposed for the purpose, conflicts with the contracts now existing

between the City and the Navigation Company, and that its execution, will peril the safety of the property at Fairmount belonging to both Corporations.

I am very respectfully,

F. FRALEY,

*President.*

Which was referred to the Committee on Water Works.

Also,

The following Communication:

HEALTH OFFICE,
*Philadelphia, Feb.* 23, 1859.

*To the Common Council*
*of the City of Philadelphia.*

GENTLEMEN:—I am directed by the Board of Health to transmit to you the annexed copy of Resolution passed this date.

Respectfully yours, &c.,

WASH. L. BLADEN,

*Clerk.*

*Resolved*, That the attention of Councils be, and is hereby called to the filthy condition of the following Docks on the River Delaware, as being nuisances well calculated to produce sickness and disease, and prejudicial to public health, viz:

Second Dock above Navy Yard, lower side of Baltimore Railroad Depot.

Five Docks adjoining, and thence up to Swede's Church.

Dock on upper side of Christian Street.

Dock above Queen Street at Coal Wharf.

Dock lower side of Mercer's Wharf.

Two Docks above Mead Alley.

Dock upper side of Almond Street.

Which was referred to the Committee on Wharves and Landings.

Also,

The folloming Commucication:

OFFICE OF THE MAYOR,
*Philadephia, February* 24, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinance and Joint Resolutions have been approved and signed, viz:

On the 18th inst., A Resolution to release certain real estate of W. G. Conrow, from the lien of a certain judgment.

On the 18th inst., A Resolution to release certain real estate of Philip B. Mingle, from the lien of a certain judgment.

On the 21st inst., An Ordinance to locate Steam Fire Engines.

On the 24th inst., Resolutions relative to Fire Alarm Bells in the Third and Fourth Fire Districts.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Which was laid on the table.

Mr. Krider

Presented a petition for Water Pipes in Eighth Street, between Reed and Dickinson Streets.

Which was referred to the Committee on Water Works.

Mr. Heins

Presented the following Communication:

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmith's Hall.*

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—On the 13th day of February last, the Vigilant Hose Company, located in Eighth Street, above Wharton, reported to me the Marion Hose Company, for refusing to supply their suction engine with water at the fire in Reed Street, on the evening of January 27th, and for the fire in Cross Street, on the morning of the 29th day of said month, alleging that the Vigilant was a Hose Company, and on that account could not get the water.

(The said Vigilant Hose Company owning a combined apparatus, for which Councils appropriated five hundred dollars for the purpose of enabling said Company to purchase said engine, to be used for fires in the localities above mentioned.)

Immediately upon receipt of said report, I summoned both Companies to appear before the Board of Engineers of the Fire Department at a meeting thereof, which was held at the office last evening, and after hearing the testimony as submitted by both parties, said Board found the Marion Hose Company guilty of said charge, the representatives thereof disputing the law and the right of any authority dictating to them of what disposition should be made of the water.

I therefore report said Marion Hose Company for

said charge, being in direct violation of Section 6, of the Rules and Regulations of the Board of Directors, which have been approved of by your honorable bodies; no rioting having taken place however, at the time of the refusal of the said water, I have not suspended said Company, but submit the case for your valuable consideration.

Respectfully yours,

S. P. FEARON,

*Chief Engineer of Fire Department.*

*Feb.* 23, 1859.

Also,

The following Communication:

CHIEF ENGINEER'S OFFICE,
*No.* 7 *Goldsmith's Hall.*

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—On the 14th inst., the Union Hose Company reported to me the West Philadelphia Hose Company, for running into and breaking the tongue of their carriage, without any just cause, and for endeavoring to incite riot, during an alarm of fire which prevailed on the morning of the same day. Immediately upon receipt of said report, I summoned both Companies to appear before the Board of Engineers of the Fire Department, at a meeting thereof, which was held at this office on Thursday evening last, the 17th inst., and after hearing the testimony as submitted by both parties, the said Board declared the West Philadelphia guilty of said charge.

I have therefore, suspended said Company from service, and now submit the case for your consideration.

Respectfully yours,

S. P. FEARON,

*Chief Engineer of Fire Department.*

*Feb.* 23, 1859.

Which were referred to the Committee on Trusts and Fire Department.

Mr. Bobb

Presented a Petition, asking that the name of Douglas Avenue may be restored.

Mr. Hacker

Presented a Petition, asking that Tioga Street may be opened from Broad Street to the York Road.

Which were referred to the Committee on Highways.

Mr. Wetherill

Presented the following Communication:

*Philadelphia, Feb.* 23, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I am in receipt of official notice informing me of your having elected me as one of three to represent the City Stock in the North Western Railroad Company, which I desire to, and do herewith resign.

Respectfully,

R. S. REED.

And moved that the resignation be accepted.

Which was agreed to.

Mr. Hacker

Presented a Memorial from the citizens of Kensington and Northern Liberties, asking that the price of Gas may be reduced to $2 25, and remonstrating against Councils giving

their consent to the extension of the charter of the Northern Liberties Gas Company, and its purchase of the Kensington Works.

Mr. Wagner

Presented one of similar import.

Mr. Holmes

Presented one of similar import.

Mr. Thompson

Presented one of similar import.

Mr. Harbert

Presented one of similar import.

Mr. McBride

Presented one of similar import.

Mr. Jones

Presented one of similar import.

Mr. Kerr

Presented one of similar import.

Mr. Day

Presented one of similar import.

Mr. Wister

Presented one of similar import.

Mr. Walsh

Presented one of similar import.

Mr. Wister

Moved to refer the petitions to the Committee on Gas Works.

Which was agreed to.

Mr. Potter

Presented a Petition for paving 22nd Street from Brown Street to Girard Avenue.

Which was referred to the Committee on Highways.

Mr. Kersey

Presented a Petition for water pipes in Twenty-fourth Street from Callowhill to Carlton Streets.

Which was referred to the Committee on Water Works.

Mr. Wildey

Presented a Petition for a Culvert from Second and Susquehanna Avenue to Front Street, thence along Emerald Street to York Street.

Which was referred to the Committee on Surveys.

Mr. Jones

Presented a claim of Dr. J. K. Uhler, Vaccine Physician in the 16th Ward, from April to October, 1855.

Which was referred to the Committee on Claims.

Mr. Smedley

Presented a Petition for the widening of Hedge Street between Meadow and Orthodox Streets.

Which was referred to the Committee on Surveys.

Mr. Harmer

Presented a Petition for the paving of Norris Street, from Leonard Street to West Street.

Also,

A Petition for the paving of Moore Street between Coral and Amber Streets.

Also,

A Petition for grading East Logan Street from Main Street to Trenton Avenue.

Also,

A Petition for the opening of Olney Road from the North Pennsylvania Railroad to the York Turnpike.

Which were referred to the Committee on Highways.

Also,

A Petition to lay water pipes in Norris Street between Frankford Road and West Street.

Also,

A Petition for water pipe on Moore Street from Coral to Amber Street.

Mr. French

Presented a Petition for water pipe in Nineteenth St., from Fitzwater Street to Prime Street.

Which were referred to the Committee on Water Works.

Mr. Day

Presented a Petition for paving the same.

Mr. Riley

Presented a Petition to open Fifty-fifth Street from Market Street to Rabbit Lane.

Which was referred to the Committee on Highways.

Mr. Day

Presented a Petition for a change of grade on Forty-second Street, between Chestnut and Pine Street.

Which was referred to the Committee on Surveys.

Mr. Dennis

Presented a Petition for a Gas Lamp on Race Street, between Nineteenth and Twentieth.

Which was referred to the Committee on Police.

Mr. Hacker,

From the Committee on Finance, moved to proceed to the second reading and consideration of the Bill, entitled,

"AN ORDINANCE

to authorize a loan for the extension of the Water Works."

Which was agreed to.

The Clerk submitted the newspapers containing the publication of notice of said Bill, in conformity with law.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. H. Miller

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were ordered, in conformity with law.

And were as follows:

YEAS:—Messrs. Brenan, Bobb, Bowker, Brown, Bullock, Case, Cattell, Comly, Conrad Osborn, Conrad Wm., Cooley, Cooper, Day, Dennis, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Hacker, Handy, Harbert, Harmer, Heins, Holmes, Hunter, Hutchinson, Jones, Kelley, Kelton, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, McBride, M'Cahen, Megary, Miller Geo. B., Miller Hiram, Mingle, Nippes, Potter, Pugh, Riley, Rubicam, Savage, Server, Schoch, Simon, Simons, Smedley, Thompson, Uber, Wagner, Walsh, Wetherill, Wildey, Wright, Trego, *President.*

NAYS:—Mr. Mascher.

Yeas, 64. Nays, 1.

So the Bill passed.

Mr. Fish,

From the Committee on Markets, presented a Report with a Resolution annexed, entitled, "Resolution, directing a revision of Market Laws." (*See Appendix No.*119)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Mascher

Offered the following

## Resolution:

*Resolved*, That the Committee on Market Houses be directed to inquire into the expediency of establishing Market Stands, upon the Streets adjoining the Pennsylvania Hospital. Also, on Pine Street, from Third to Fifth.

Which was referred to the Committee on Markets.

Mr. Dennis,

From the Committee of Conference, on the amendments to the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department of City Property, for the year 1859, and also, to pay outstanding bills against said Department," presented a Report, (*See Appendix No.* 120.)

The Report was adopted, and the Committee discharged.

Mr. Potter

From the special Committee to investigate certain contracts of the Girard Estates presented a Report with a Resoluton discharging the Committee from the further consideration of the subject. (*See Appendix No.* 121.)

The Resolution was read twice and adopted.

A message was received from Select Council informing Council, that they had concurred in amendments of Common Council to the Bill, entitled "An Ordinance to make an appropriation to the Guardians of the Poor for the expenses of that Department for the year 1859," except the amendment to Section Second, in which they have non-concurred.

Mr. Bullock

Moved that this Council recede from said amendment.

Which was agreed to.

A message was received from Select Council informing Council, that they had received a Report from the Committee on Water Works, with a Resolution entitled "Resolution to lay water pipes in Fisher and other Streets."

Mr. Heins

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

Mr. Megary

Offered the following

## Resolution:

*Whereas*, in consequence of the death of one of its members; this body is composed of eighty-nine members. Therefore be it *Resolved* by Common Council of the City of Philadelphia that hereafter forty-five members shall constitute a quorum for the transaction of business.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and referred to the Committee on law.

Mr. Harbert

Offered the following

## Resolution:

*Resolved*, That the Commissioner on Markets be directed to clean out the Docks at Spruce and Locust Streets, Schuylkill, as soon as the weather permits.

Which was referred to the Committee on Wharves and Landings.

Mr. Mascher

Offered the following

## Resolution:

*Resolved*, That the Committee on Girard Estate be directed to inquire into the expediency of erecting suitable buildings for Court purposes upon the lot belonging to the Girard Estate, situated at the corner of Fifth and Brown Streets.

Which was referred to the Committee on Girard Estates.

Mr. Bowker

Offered the following

## Resolution:

*Resolved*, That the Chief Engineer of the Water Department be, and he is hereby instructed to report to these Councils the expediency of providing for the erection of water works in the upper end of the Twenty-first Ward, for the purpose of providing the northern section of the City with a better supply of water, and the probable cost thereof.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

Council resumed the consideration of a Bill entitled,

"AN ORDINANCE

to make an appropriation out of the income of the Girard Estates for the purposes therein mentioned."

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred with amendments.

Mr. Cattell

Presented a Petition asking that Haverford Avenue may be repaired.

Which was referred to the Committee on Highways.

Mr. G. B. Miller

Presented a Petition from the Franklin Fire Engine Company, asking for a Fire Alarm Box.

Which was referred to the Committee on Trust and Fire Department.

Mr. Mascher

Offered the following.

## Resolution:

*Resolved*, By the Select and Common Council of the City of Philadelphia, that the out door agent of the Girard Estate be requested to notify all lesees of wharves belonging to said Estate, that the leases of all Wharves will be sold at public auction at the expiration thereof.

Which was referred to the Committee on Girard Estates.

Council resumed the consideration of the Resolution, entitled, "Resolution authorizing the Clerks of Councils to publish a notice to the public."

The Resolution was read a second time and adopted.

A Message was received from Select Council, informing Council, that they have concurred in the Bill, entitled, "An Ordinance, to make a further appropriation to the Board of Health, for the expenses of that Department for the year 1859."

Also, that they have concurred in the Bill, entitled, "An Ordinance, to open Adams Street, in the 22d Ward, from West Washington Lane to Johnson Street."

Also, that they have concurred in the Resolution, entitled, "Resolution, to authorize the laying of a sideling on Dock Street."

Also, that they have concurred in the Resolution, entitled, "Resolution, authorizing notice to be given for the curbing and paving of the side-walks of certain Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution, authorizing the grading of Washington Avenue and Catharine and Levering Streets."

Also, that they have concurred in the Resolution, entitled, "A Resolution, to open Willow Grove and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution, relative to the proposed repeal of a law, relating to the payment of road damages."

Also, that they have concurred in the Resolution, entitled, "Resolution, accepting the grant of certain parts of Marshal Street."

Also, that they have concurred in the Resolution, entitled, "Resolution, releasing the sureties of P. and J. Nailis."

Also, that they have concurred in the amendment of Common Council to Select Council, to the Resolution, entitled, "Resolution, to release the sureties of George Cubbler."

Also, that they have concurred in the amendment of Common Council to Select Council, to the Resolution, relative to the contracts for cleansing the Streets of the City.

Also, that they concurred in the amendment of Common Council to Select Council, to the Bill entitled, "An Ordinance, to make an appropriation for the use of Girard College, for the year 1859."

Mr. Luther

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, March 3, 1859.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, William,
Cooley,
Cooper,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Handy,
Harbert,

Messrs. Harmer,
Heins,
Hodgdon,
House,
Hunter,
Hutchinson,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McClean,
Megary,
Miller, Hiram,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Rubicam,
Savage,

| | |
|---|---|
| Messrs. Server, | Messrs. Wagner, |
| Simons, | Walsh, |
| Smedley, | Wetherill, |
| Steelling, | Wildey, |
| Thompson, | Wister, |
| Uber, | Wright, |

Trego, *President.*

Mr. Krider

Presented a Petition for the location of the Wayne Hook and Ladder Company, in the southwest portion of the City, and its admission into the Department.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Megary

Presented a Petition for additional markets on Moyamensing Avenue.

Which was referred to the Committee on Markets.

Mr. Baird

Presented a Petition from the lessees of Dock Street Wharf, asking that said Wharf may be repaired.

Which was referred to the Committee on Wharves and Landings.

Mr. Heins

Presented a Remonstrance against the establishment of a market stand around the walls of the Pennsylvania Hospital.

Mr. French

Presented a Petition, numerously signed, asking that South Street, between Broad and Twentieth, may be declared a stand for market wagons.

Which were referred to the Committee on Markets.

Mr. Heins

Presented a Petition from the Western Hose Co., asking that their Fire Alarm Bell may be made a District Bell.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Mascher

Presented a Petition from A. C. Jones, asking permission to place a patent fire plug in front of Independence Hall.

Which was referred to the Committee on Water Works.

Mr. H. Miller

Presented a Petition for opening Twentieth Street, between Poplar and Parrish Streets.

Also,

A Petition for opening Poplar Street, between Nineteenth Street and Ridge Avenue.

Which were referred to the Committee on Highways.

Also,

A Petition for a culvert on Twenty-fourth Street, from Brown Street to Coates Street.

Which was referred to the Committee on Surveys.

Also,

A Petition for lamps on Spring Garden, from Twentieth Street to Twenty-fifth Street.

Also,

A Petition for gas lamps on Hamilton Street, from Twentieth to Twenty-first Streets.

Which were referred to the Committee on Police.

Mr. Gay

Presented a Petition for water pipe on Huntingdon Street, from Second Street to Mascher Street.

Which was referred to the Committee on Water Works.

Mr. Potter

Presented a Remonstrance against the occupancy of Spring Garden Hall by the Court of Quarter Sessions.

Which was referred to the Committee on City Property.

Mr. Wildey

Presented a Remonstrance against the paving of Clinton or Mascher Street, from Susquehanna Avenue to Cambria Street.

Mr. House

Presented a Petition for paving Huntingdon Street, from Second Street to Mascher Street.

Which were referred to the Committee on Highways.

Mr. Bowker

Presented a Petition from the Manayunk Engine Company, asking to be located as a Steam Fire Engine Company.

Which was referred to the Committee on Trusts.

Mr. Fisher

Presented a Petition from Henry Nelms, for a return of over paid water rents.

Which was referred to the Committee on Claims.

Mr. Manuel

Offered the following

## Resolution

Changing the place of voting in the Fourth Division of the Twentieth Ward.

*Whereas*, The proprietor of the present Division house of the Fourth Division of the Twentieth Ward, has removed from the premises, and the place is closed; therefore be it

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Division house or place of holding elections in the Fourth Divison of the Twentieth Ward, shall be changed to the house of John W. Ramson, S. E. corner of Eleventh Street and Girard Avenue.

The Resolution was read a second time, and referred to the members of Councils from that Ward.

Mr. Harmer

Offered the following:

## Resolution:

*Resolved*, That Select Council be invited to meet Common Council in Joint Convention this afternoon at 5 o'clock for the purpose of electing a Superintendent of Police and Fire Alarm Telegraph, in accordance with an Ordinance approved March 17th, 1856.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

M. Wetherill

Moved to amend by adding "and also to elect a Director of the North Western Railroad Co., in place of Robert S. Reed, resigned.

Which was agreed to.

Mr. Pugh

Moved to amend by adding, "and a member of the Board of Guardians of the Poor in place of Dr. Huhn, resigned."

Which was agreed to.

The Resolution, as amended, was adopted.

Mr. Wetherill

Presented a remonstrance against the removal of the market wagons from Market Street, before the first of June next.

Which was referred to the Committee on Markets.

Mr. Pugh

Presented a Petition for the paving of State Street between Columbia Avenue and Cherry Street.

Mr. Riley

Presented a Petition for the grading of Tilghman and Antoinette Streets in the Twenty-fourth Ward.

Mr. Cattell

Presented a Petition for the grading of Lexington and Eagle Streets.

Which were referred to the Committee on Highways.

Mr. Riley

Presented a Petition for the construction of a culvert on Market Street west of Thirty-second Street.

Which was referred to the Committee on Surveys.

Mr. Megary

Presented a Petition for the improvement of the Parade Ground, in the First Ward.

Which was referred to the Committee on Highways.

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, March* 3, 1859.

*To the President and Members of Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—Permit me respectfully to call your attention to provisions relating to public advertising, as stated in the 13th Section of the Act of April 21, 1855, entitled, a Further Supplement to the Act Consolidating the City of Philadelphia. "That all public advertising for said City, except for municipal claims, whether for elections, taxes, or otherwise, shall be inserted in no more than three daily newspapers, nor more than three times in each."

As I cannot countersign warrants for advertising, in opposition to this law, as would be required by the Ordinance approved Feb. 16th, 1859, making an appropriation to the Public Schools, and in other Ordinances making provisions for advertising for proposals for supplies and labor, &c., &c., I therefore most respectfully ask of you to take such action as will enable each Department to act in strict conformity with the charter of the City.

Very respectfully yours,
GEORGE W. HUFTY,
*City Controller.*

Which was referred to the Committee on Finance.

Also,

A Communication from the City Controller, in relation to the accounts of the late Commissioner of Markets. (*See Appendix, No.* 122.)

Which was referred to the Committee on Finance.

Also,

The following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, March* 3, 1859.

*To the President and Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—On the 11th of November last, I transmitted to Councils a statement of certain overpayments made to Coroners Delavau and Fenner, the former of whom has been paid the sum of $934, and the latter $578, for alleged interments of bodies upon which inquests had been held, which interments were not made in the burial ground of the City according to law, and the presumption being therefore that the bodies had been interred by friends, and the expenses therefor were not legally chargeable to the City.

This Department has brought this matter before Councils, in order that the question may be tested, and I therefore request of Councils that the City Solicitor be instructed to take such action in the premises as shall compel these parties to refund to the City Treasury such an amount of money as they may have drawn therefrom by illegal charges.

Hoping that you will take some prompt action in this matter, I have the honor to be,

Yours, very respectfully,

GEORGE W. HUFTY,

*City Controller.*

Which was referred to the Committee on Law.

Also,

The following Communication :]

CITY CONTROLLER'S OFFICE.
*Philadelphia, March 3rd*, 1859.

*To the President and Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN :—I am compelled to call your attention to the fact that this Department has not sufficient fire proof accomodations to preserve from risk the important books and vouchers belonging thereto; many of the important books of account are left open to every risk, during the hours my clerks are necessarily absent from their positions. I therefore most respectfully request that such action may be taken by Councils as to save the City records and papers from risk in all possible contingencies.

Very respectfully yours,

GEORGE W. HUFTY.

*City Controller.*

Which was referred to the Committee on Law.

Also,

The following :

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—At a stated meeting of the Board of Fire Directors of the Philadelphia Fire Department, held on Monday evening last the 28th ultimo, the following Preamble and Resolutions were presented by Mr. Alexander H. Chambers of the United States Engine Company No. 24, and unanimously adopted.

*Whereas*, This Board has been informed that an Or-

dinance has been submitted to Councils giving the power to Companies in the possession of Steam Engines, the right to disqualify any or all Engines or Hose Companies from active service at fires; therefore

*Resolved*, That this Board protests against the passage of said Ordinance as it places certain Companies in the Department above the control of the Chief Engineer and his Assistants.

*Resolved*, The passage of the said Ordinance will lead to anarchy and confusion in the Department, giving the right to the Steam Engine Companies to deprive the rest of the Department from active service.

*Resolved*, That the board protests against the passage of the said Ordinance as improper, unnecessary and unjust in all its provisions.

By order of the Board,

E. F. MILLER,

*Secretary of Fire Department.*

*March* 3, 1859.

Which was laid on the table.

Also,

The following Communication:

*Philadephia, March* 1*st*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I received a commnication on the 21st, of February, from the City Solicitor requiring immediate possession of the room in the Spring Garden Hall, now occupied by the Wagner Free Institute of Science.

It would be equally unwise and ungrateful on my

part, in return for the kindness, which has permitted to the Institute during nearly four years, the use of that Hall to interpose any obstacles to its resumption by the City, when it is required for public purposes. On the contrary I desire most sincerely and cordially to return my thanks to the Councils of Philadelphia, for the uniform approval and liberality, which they extended to the Institute.

So far as I could, I have complied with the requisition made upon me.

The lectures at this season in full progress, have been discontinued, and as large a portion of the apparatus, as opportunity afforded, has been arranged for removal.

But I must be allowed to make a statement to your body, which I am sure will receive your candid attention.

The Cabinets of Specimens and Philosophical apparatus, now in use by the Wagner Free Institute, are the collections of a lifetime of travel and research. They were placed in the building in question, at very great expense to myself, and under the well grounded assurance that the use of the Hall, was intended by the City, as a donation to the cause of public education, to be continued as long as the Institute subserved that end, till it had secured a building of its own. That the Institute has accomplished all, and more than all which was anticipated at the outset, is attested by the very large and increasing audiences, in attendance upon its exercises. To put an end to these exercises, by a notice so short, that it has left me no opportunity to provide another Hall by way of substitute, is really to inflict a very serious blow upon the cause of popular education.

The hardship of a change under these circumstances, is aggravated by the fact that most of the apparatus is of such a character, that it requires the greatest care in handling, and besides involving more than usual time and expense, would suffer great injury by a removal at this season of the year.

I feel that I am justified, under this state of facts, in asking of your body as great leniency and time, as the case will allow, and in particular, if the Judges should decline to accept the building for the use of the Court of Quarter Session, a renewel of the occupancy of the Hall or the purposes of the Institute.

I remain gentlemen,

With great respect,

Your obedient Servant,

WM. WAGNER,

*President of the Wagner Free Institute of Science.*

P. S. I am desirous of entering into negotiation for the purchase of Spring Garden Hall, to be dedicated to Scientific lectures and education for ever.

Which was referred to the Committee on City Property.

Also,

A Communication from O. G. Heinisch, asking to be elected Professor of German, in the Central High School.

Which was refeared to the Committee on Schools.

Mr. Luther

Presented a Petition from John D. Ulmer, for repayment of money paid for paving Franklin Avenue.

Also,

A Petition of similar import, from John M. Schlecht.

Which were referred to the Committee on claims.

Mr. Wildey

Presented a Petition from the Kensington Fire Engine Company, asking to be admitted into the Fire Department.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Kelley

On leave, offered the following

## Resolution:

*Resolved*, That the Commissioner of Market Houses be instructed to repair the roof of the market house South Second Street near South Street.

Which was referred to the Committee on Markets.

Mr. W. Conrad

From the Committee on Gas Works presented a report with a Resolution annexed, entitled, "Resolution expressing the disapproval of Councils of the proposed purchase by the Northern Liberties Gas Works of the Kensington Gas Works.

And moved to lay the Resolution on the table for the present.

Which was agreed to.

A message was received from Select Council, informing that they had passed a Bill, entitled, "An Ordinance to make a further appropriation to the Board of Controllers of Public Schools to pay bills for repairs, &c., in the several sections contracted prior to January 1st, 1859.

Mr. Gordon

Moved to suspend the rules, and proceed to the second reading and consideration of the Bill.

Which was not agreed to.

Mr. W. Conrad

Moved to suspend the rules and proceed to the second reading and consideration of the Bill, entitled,

"AN ORDINANCE

to create a loan for the further extension of the Philadelphia Gas Works."

Which was not agreed to.

Mr. Bullock

Offered the following

## Resolution:

*Resolved*, That the Chief Commissioner of Highways be, and he is hereby authorized to notify the property owners on Leigh Avenue, from Frankford Avenue to Richmond Street, to curb and pave the footways within thirty days.

Which was referred to the Committee on Highways.

Mr. Bullock

From the Committee on Highways presented a report with Resolutions annexed, entitled,

1. "Resolution authorizing notice to be given for the opening of Tioga and other Streets."

2. "Resolution to authorize the paving of Norris and other Streets."

3. "Resolution to authorize the grading of Chestnut and other Streets."

4. "Resolution to authorize the Chief Commissioner of Highways to open Streets."

5. "Resolution to authorize the paving of Dickinson Street."

6. "Resolution to authorize the Chief Commissioner of Highways to invite proposals for building a bridge at Bridesburg."

7. "Resolution authorizing notice to be given for the curbing and paving of the side-walks of Twenty-second and other Streets."

8. "Resolution to grade Shippen Street in the First Ward, and Manheim and Wayne Streets in the Twenty-second Ward."

And moved to proceed to the second reading and consideration of the First Resolution entitled, "Resolution authorizing notice to be given for the opening of Tioga and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Second Resolution entitled, "Resolution to authorize the paving of Norris and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Third Resolution entitled, "Resolution to authorize the grading of Chestnut and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentlemen

Moved to proceed to the second reading and consideration of the Fourth Resolution entitled, "Resolution to authorze the Chief Commissioner of Highways to open Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Fifth Resolution, entitled, "Resolution to authorize the paving of Dickinson Street."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Sixth Resolution, entitled, "Resolution to authorize the Chief Commissioner of Highways to invite proposals for building a bridge at Bridesburg."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Seventh Resolution, entitled, "Resolution authorizing notice to be given for the curbing and paving of the side-walks of Twenty-second and other Streets."

Which was agreed to.

The Resolution was read a second time, and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Eighth Resolution, entitled, "Resolution to grade Shippen Street, in the First Ward, and Manheim and Wayne Streets, in the Twenty-second Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Gordon

Moved to proceed to the second reading and consideration of the Bill, entitled,

"AN ORDINANCE

to make a further appropriation to the Board of Controllers of Public Schools, to pay bills for repairs &c., in the several Sections, contracted prior to January 1st, 1859."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed finally.

So Common Council concurred.

Mr. Dennis,

From the Committee on Claims, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to pay certain bills due William D. Baker and others." (*See Appendix, No.* 123.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read.

Mr. Potter

Moved to lay the Bill on the table, and that it be printed and placed on file.

Which was agreed to.

Mr. Dennis,

From the Committee on Claims, presented a further Report, returning bills of Wm. Kern, Peter Wagner, Wolbert & Brother, Wm. James, for ice furnished to the Police Stations in 1857 and 1858. (*See Appendix, No.* 124.)

And moved to refer said claims to the Committee on Police.

Which was agreed to.

Mr. Moyer

From the Commmittee on Trusts and Fire Department, presented a Report with a Bill annexed entitled

"AN ORDINANCE

to make an appropriation to the Superintendant of Trusts for the purpose therein named." (*See Appendix, No.* 125.

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer

From the Committee on Trusts and Fire Department, presented a Report with a Resolution entitled "Resolution dismissing the Protection Hook and Ladder Co. from the Fire Department. (*See Appendix, No.* 126.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report from the same Committee with a Resolution annexed, discharging the Committee from the further consideration of a Resolution of Councils

calling for full information in regard to the Trusts of the City. (*See Appendix, No* 127.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Brown

From the Committee on Wharves and Landings, presented a Report with a Bill annexed, entitled

"AN ORDINANCE

to extend the term of the lease of Allegheny Avenue Wharf. (*See Apdendix, No.* 128.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Brown

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

The same gentlemen

Presented a further Report with a Resolution annex-

ed entitled "Resolution to pay a Bill for repairing Reed Street Wharf." (*See Appendix, No.* 129.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. H. Miller

Presented a Report of the Committee on Conference on the Resolution instructing the members of the State Legislature from the City of Philadelphia to favor the passage of a certain act, re-organizing the Departments of Poor and Health.

Upon the adoption of the Report of the Committee the yeas and nays were demanded by Messrs. Wetherill and Wildey.

And were as follows:

YEAS.—Messrs. Bobb, Cooley, Dennis, Ellis, Gay, Haas, Handy, Harbert, Heins, Kelton, Kerr, Mascher, McBride, Megary, Miller Hiram, Nippes, Rothermel, Savage, Simons, Steelling, Wetherill, Wister.

NAYS.—Messrs. Brenan, Bowker, Bullock, Case, Cattell, Conrad Osborn, Conrad William, Cooper, Doerr, Dickinson, Eckfeldt, Fisher, French, Gamble, Gheen, Gillingham, Gordon, Harmer, House, Hunter, Hutchinson, Kelley, Kersey, Ketchum, Krider, Luther, Manderefield, Manuel, Miller Geo. B., Moyer, Potter, Pugh, Riley, Roats, Rubicam, Smedley, Thompson, Uber, Wagner, Wildey, Trego, *President.*

Yeas, 22. Nays, 41.

So the report was not adopted.

Mr. Wetherill

Read in his place and presented to the chair the following Bill, entitled,

"AN ORDINANCE

to extend the time of removing Market wagons from Market Street.

SECTION 1. The Select and Common Councils of the City of Philadelphia do ordain, that the time fixed in an ordinance approved Dec. 1, 1858, for removing market wagons from Market Street, be extended to the 15th of April, 1859.

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wetherill

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr. Wister

Moved that when this Council adjourn, it adjourn to to meet on Monday afternoon next, at 3 o'clock, for the pur-

pose of considering business from Select Council now on the Presidents desk.

Which was agreed to.

A message was received from Select Council informing that they had received a report from the Committee on Railroads to whom was referred the message of the Mayor returning, with his objections, a Bill, entitled "An Ordinance to authorize the West Philadelphia Passenger Railway Company to lay the rails of their road over the Market Street Bridge," which Bill they had passed notwithstanding the objections of the Mayor.

On the passage of said Bill, the yeas and nays were ordered in conformity with law.

And were as follows:

YEAS.—Messrs. Brenan, Bobb, Bowker, Bullock, Case, Cattell, Cooley, Cooper, Dennis, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Harbert, Heins, Hunter, Hutchinson, Kelton, Kerr, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, Mascher, Megary, Miller George B., Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Savage, Simons, Smedley, Steeling, Thompson, Uber, Wagner, Wetherill, Wildey, Wister, Trego, *President.*

NAYS.—Mr. Conrad Osborn.

Yeas, 54. Nays, 1.

So the Bill passed finally.

Mr. Steelling

Moved to proceed to the second reading and consideration of Bill No. 48, Common Council file, entitled,

"AN ORDINANCE

to provide for the weighing of stone coal, purchased for the use of the City."

Which was agreed to.

The First Section was again read,

Mr. Mascher

Moved to amend by striking out all after the enacting clause, and inserting the following:

"That after the passage of this Ordinance, all the stone coal required by any and all of the Departments of this City, shall be purchased and delivered by the full cart load. Each cart shall contain 42 3–10ths cubic feet, and shall have been previously measured and sealed by one of the Sealers of weights and measures of this State, and it shall not be lawful for the City Controller to countersign any warrants drawn by the heads of any Department, for the payment of coal purchased for the use of the city, purchased or delivered contrary to the requirements of this Ordinance."

On this motion the yeas and nays were demanded by Messrs. Mascher and Gillingham.

And were as follows:

YEAS:—Mr. Mascher.

NAYS:—Messrs. Brennan, Bobb, Bowker, Bullock, Case, Cattell, Conrad Osborn, Cooley, Cooper, Dennis, Dickinson, E kfeldt, Ellis, Fish, Fisher, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Harbert, Harmer, Heins, Hodgdon, Kelton, Kerr, Kersey, Krider, Luther, Manderfield, Manuel, Megary, Miller Geo. B., Nippes, Potter, Pugh, Riley, Rothermel, Server, Simons, Smedley, Steeling, Wagner, Wetherill, Wildey, Trego, *President*.

Yeas, 1. Nays, 48.

So the motion was not agreed to.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Steelling

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and on its final passage the yeas and nays were demanded by Messrs. Mascher and Handy.

And were as follows:

YEAS:—Messrs. Brenan, Bobb, Bowker, Bullock, Case, Cattell, Conrad Osborn, Cooley, Cooper, Dennis, Eckfeldt, Ellis, Fish, Fisher, Gamble, Gay, Gheen, Haas, Heins, Hodgdon, Kelton, Kerr, Krider, Luther, Megary, Miller Geo. B., Nippes, Pugh, Riley, Rothermel, Server, Simons, Steelling, Wagner, Wetherill, Trego, *President.*

NAYS:—Messrs. Handy, Harbert, Manuel, Potter.

Yeas, 36. Nays, 4.

No quorum having voted the question was not decided.

The following message from the Mayor, was received:

MAYOR'S OFFICE,
*Philadelphia, March* 3, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 25th ult., "A Resolution releasing the sureties of P. & J. Nailis."

On the 25th ult., "An Ordinance to make an appropriation to the Department of City Commissioners for the expenses of that Department for the year 1859."

On the 26th ult., "An Ordinance to make an appropriation to the Department of City Property for the year 1859, and also to pay outstanding bills against said Department.

On the 1st inst., "An Ordinance to make an appropriation to the Guardians of the Poor, for the expenses of that Department for the year 1859.

On the 1st inst. "An Ordinance to open Adams Street, in the Twenty-second Ward, from West Washington Lane to Johnson Street."

On the 1st, inst. "A Resolution authorizing notice to be given for the curbing and paving of the sidewalks of certain Streets."

On the 1st, inst. "A Resolution to open Willow rov e Avenue and other Streets."

On the 1st inst. "A Resolution accepting the grant of certain parts of Marshall Street"

On the 1st, inst. "A Resolution relative to the proposed repeal of a law relating to the payment of road damages."

On the 1st, inst. "A Resolution authorizing the grading of Washington Avenue and Catharine and Levering Street."

On the 1st. inst. "An Ordinance to make an appropriation to the Board of Health for the expenses of that Department for the year 1859."

On the 1st inst. "An Ordinance to make an appropriation to defray expenses that have been incurred in cele-

brating the successful laying of the Atlantic Telegraph Cable."

On the 3d, inst. "A Resolution to authorize the laying of a sideling on Dock Street.

Respectfully,

ALEXANDER HENRY,

*Mayor of the City of Philadelphia.*

Select Council inform Common Council, that they have received a Report from the Committee on City Property, with a Resolution, entitled "Resolution to dispose of certain frame buildings in the late Borough of Frankford," which they have passed and ask concurrence.

Also, that they have received a Report from the Committee on Water Works, with a Resolution entitled "Resolution to lay Water pipes in Columbia Avenue and other Streets." which they have passed and ask concurrence.

Also, that they have received a Report from the Committee on City Property, with a Resolution entitled "Resolution relating to Fairmount Park," which they have passed and ask concurrence.

Also, that they have received a Report from the Committee on Water Works, with a Resolution entitled "Resolution to provide accommodations for the Department for supplying the City with water," which they have passed, and ask concurrence.

Also, that they have passed a Bill, entitled "An Ordinance making an appropriation for preparing rooms in Spring Garden Hall, for the accommodation of the Court of Quarter Sessions and Jury rooms." in which they ask concurrence.

Mr. Potter

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, March 10, 1859.

Council met.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Comly,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Ellis,
Eckfeldt,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,

Messrs. Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McClean,
Megary,
Miller Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,

Messrs. Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Rubicam,
Savage,
Schoch,
Simons,
Messrs. Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wetherill,
Wildey,
Wister,
Trego, *President*.

Mr. Krider

Presented a Petition for the extension of the Fire Alarm Telegraph to Second and Reed Streets.

Which was referred to the Committee on Trusts and Fire Department.

Mr. McClain

Presented a Claim of B. Quigley for carriage hire.

Which was referred to the Committee on Claims.

Mr. French

Presented a Petition of James Quigley to have certain overpaid taxes refunded.

Which was referred to the Committee on Finance.

Mr. Case

Presented a Petition asking that Nineteenth Street, from Walnut to Race Streets may be declared a stand for market wagons.

Which was referred to the Committee on Markets.

Mr. Dennis

Presented a Petition from the judges of the several courts asking additional accomodations for the law library.

Also,

A Petition of similar import from members of the bar.

And moved to refer them to a joint special Committee of three members from each chamber.

Which was agreed to.

ThePresident

Appointed Messrs. Dennis, H. Miller and Wister, the Committee under the Resolution.

Mr. W. Conrad

Presented a Petition for paving Noble Street between Ridge Avenue and Broad Street.

Mr. Hutchinson

Presented a Petition for grading and paving Thirty-fifth Street in the Twenty-fourth Ward.

Mr. H. Miller

Presented a Petition for paving Wallace Street between Nineteenth and Twenty-first Streets.

Also,

A Petition for paving Perkiomen Street in the 15th Ward.

Also,

A Petition for paving Wallace Street between Twenty-third and Twenty-fourth.

Which were referred to the Committee on Highways.

Also,

A Petition for laying water pipe in Poplar Street between Nineteenth and Ridge Avenue.

Which was referred to the Committee on Water Works.

Mr. Potter

Presented a Communication from the President of the Northern Liberties Gas Co.,

Mr. Mascher

Moved to refer the Communication to the special Committee already existing in relation to lighting the City.

Mr. Cooley

Moved to amend by substituting the Committee on Gas.

Which was agreed to.

The motion as amended was adopted.

Mr. Gillingham

Presented a Petition for the erection of market houses on Girard Avenue.

Mr. Dickinson

Presented a Petition of similar import.

Mr. Wildey

Presented one of similar import.

Mr. Brown

Presented one of similar import.

Mr. Gay

Presented one of similar import.

Mr. Holmes

Presented one of similar import.

Mr. Moyer

Presented one of similar import.

Which were referred to the Committee on Markets.

Also,

A Petition of Patrick Quinn asking that money overpaid by him for water pipe may be refunded.

Which was referred to the Committee on Claims.

Mr. Moyer

Presented a Petition for a Fire Alarm Telegraph adjacent to the Lafayette Hose House.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Morris

Presented a Petition for the paving of Trenton Avenue in the Nineteenth Ward.

Also,

A Petition to pave and curb Putnam Street between Second and Third Streets.

Which were referred to the Committee on Highways.

Mr. Fisher

Presented a Petition for lamps on Hutchinson, Clinton and other streets in the Twentieth Ward.

Which was referred to the Committee on Police.

Mr. Simons

Presented a Remonstrance against the proposed removal of the Court Houses to Spring Garden Hall.

Which was referred to the Committee on City Property.

Mr. Wetherill

On leave, offered the following

## Resolution:

*Whereas*, The building in Fifth Street below Chestnut, now occupied by the American Philosophical Society and the United States Courts, is by an act of Congress to be sold, therefore, be it

*Resolved*, That the Committee on Finance be directed to inquire into the expediency of purchasing said building for the use of the City.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Smedley

Presented a Petition from citizens of Frankford asking for the location of sundry gas lamps.

Mr. Savage

Presented a Petition of similar import.

Mr. Harmer

Presented a Petition for a public lamp on the entrance to Germantown Hall.

Which were referred to the Committee on Police,

Mr. Jones

Presented a Petition for repairing Green (Hipples) lane.

Which was referred to Committee on Highways.

Mr. Riley

Presented a Petition for water-pipes on Hamilton Street, in the Twenty-fourth Ward.

Which was referred to the Committee on Water Works.

Mr. Kelley

Presented a Petition for three additional market houses on South Eleventh Street.

Which was referred to the Committee on Markets.

The President

Submitted the following Communication:

CITY SOLICITOR'S OFFICE,
*Philadelphia, March* 9, 1859,

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I herewith lay before you a copy of the statement of the cost of the "Citizens' Passenger Railway."

This statement has been filed in this office in compliance with the 8th section of the ordinance of July 7th 1857, entitled an ordinance to "Regulate Passenger Railways."

Respectfully,

HENRY T. KING,
*City Solicitor.*

OFFICE OF THE CITIZENS' PASSENGER RAILWAY COMPANY,
*Philadelphia, March 5th* 1859.

HENRY T. KING, *City Solicitor.*

SIR:—In compliance with the 8th section of the ordinance approved July 7, 1857, I respectfully submit the

following statement showing the cost of the Citizens' Passenger Railway.

It is proper to remark that the road has been constructed over only a portion of the rout authorized by the charter of the Company.

The part not yet constructed, extends northward on Tenth, from Montgomery to Lancaster Street, on Lancaster Street from Tenth to Broad Street, on Broad Street, from Lancaster Street to Columbia Avenne, and on Columbia Avenue from Broad to Eleventh Street.

Lancaster Street is not yet opened, or in charge of the municipal authorities, and until this Street is opened, no farther extension of the road can be made.

The delay will not cause any public inconvience, as there is but a single house along the line on the first six squares.

It is not the design of the Company however to relinquish the right to construct a road on this part of the rout, but only to postpone its construction until the proper time arrives.

It may be necessary to add that the Company is daily making additions to the rolling stock, real estate &c., and consequently the statement is to be regarded only as an exhibit of expenditures to the present date, and not as the total cost of a completed and fully equipped road.

Statement of the cost of construction and equipment of the Citizens' Passenger, Railway to March 5th 1858.

| | |
|---|---|
| Construction of road, - - - | $46,252 58 |
| Rolling Stock, horses, &c., - - | 86,098 79 |
| Legal expenses, - - - - | 1,384 24 |
| Insurances (perpetual,) - - - | 83 00 |
| Ground rent, taxes &c., - - | 377 30 |
| Office, expenses salaries, &c., - - | 1,171 57 |
| Total, | $172,633 16 |

The items charged above for ground rents, taxes, &c., and for office expenses, salaries, &c., were due and payable before the road went into operation, since that time these items have been changed to remaing expenses.

The real estate at the corner of Tenth and Montgomery Streets, is subject to a ground rent of one thousand dollars per annum and the real estate on Tenth Street below Columbia Avenue, was purchased by the Company subject to a mortgage of three thousand dollars, which is still unpaid.

Witness my hand and seal of the Company, this fifth day of March, A. D. 1859.

Attest, GEORGE WILLIAMS,

*President of the Citizens' Passenger Railway Co.*

Personally appeared before me, one of the Alderman of the City of Philadelphia, George Williams, President of the Citizens' Passenger Railway Company, and William Bonsall, Secretary of said Company, who being duly affirmed according to law, did depose and say that the foregoing statement is true to the best of their knowledge and belief.

Affirmed and subscribed before me, this 8th day of March, A. D. 1859.

WILLIAM SHANE,

*Alderman.*

Which was laid on the table

Also,

A Petition asking that the streets adjacent to Penn Square may be declared stands for market wagons.

Which was referred to the Committee on Markets.

Also,

The following Communication:

CITY TREASURER'S OFFICE, GIRARD BANK,
*Philadelphia, March* 10, 1859.

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—I beg leave to call your attention to the fact that since the 12th of November last, I have received no return of outstanding taxes from the Receiver of Taxes.

Upon the offer of that officer, at a time when the City was greatly in need of money, I received from him on January 10th thirty-five thousand dollars ($35,000), and on February 28th thirty thousand dollars ($30,000), on account of his collections, but without any statement as to the year's taxes to which these amounts were to be credited; no entry could, therefore, be made on my books of the receipt of this money, and no official return has yet been made to the City Controller. The result is, that I have used this sixty-five thousand dollars of the public funds in paying the indebtedness of the City, without the knowledge of the Controller, whose business it is under the law to act as a check on all the Departments of the municipal government, and especially on this. The books of this office at the close of the last month showed that I had disbursed for the City some thirty-four thousand dollars more than I had received.

The Receiver of Taxes states to me in explanation, that he has not the clerical force in his Department to enable him to make these returns promptly, and has asked for additional assistance. It is also due him to state, that he has at all times expressed a willingness to send me the money collected by him whenever required for the wants of the City.

As this irregular mode of receiving money at this office cannot longer be continued, it is necessary that

some change should be made in the matter, otherwise the City will be compelled at times to borrow money and pay interest thereon for the purpose of meeting its engagements, while large amounts of public funds will remain in the hands of its receiving officer. In soliciting for this subject your early attention,

I remain, very respectfully yours,

WM. V. MCGRATH,
*City Treasurer.*

Also,

A Petition from the bell ringers of St. Peter's Church, asking payment for ringing the bells of St. Peter's Church on Washington's Birthday last.

Which were referred to the Committee on Finance.

Mr. Riley,

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Chief Commissioner of Highways is hereby authorized to grant a permit to Geo. R. Blakiston to lay a single track railway from the Media Railway at Oak Street, in 24th Ward, to a lot 75 feet east of said Media Railway, it being a section of the road authorized by the Act of Legislature, in house bill 882, of Session of 1857, as printed in Pamphlet Laws of said Sessions, page 504.

Which was referred to the Committee on Highways.

Mr. Hutchinson,

On leave, offered the following

## Resolution:

Directing a Revision of Grades in the First Ward.

*Resolved*, By the Select and Common Councils of the

City of Philadelphia, That the Department of Surveys be, and is hereby authorized and directed to revise the grade regulations of so much of the First Ward as is embraced within the following limits: On the north by Snyder Street, south by Wharton Street, eastward by the Delaware River, and westward by Broad Street and Passyunk Road.

Which was referred to the Committee on Surveys.

Mr. Hacker

From the Committee on Finance presented a report, with a Resolution annexed, entitled, "Resolution to release certain property of Armstrong J. Flomerfeldt from the lien of a certain judgment. (*See Appendix, No.* 130.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further report with a Bill annexed, entitled, "A further supplement to an Ordinance entitled an Ordinance prescribing the powers and duties of the Receiver of Taxes, approved July 27, 1854." (*See Appendix, No.* 131.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further report from the same Committee, with a Resolution entitled, "Resolution to authorize the Trustees of the City Ice Boat to employ counsel to defend the City." (*See Appendix No.* 132.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time.

Mr. Wister

Moved to refer the Resolution to the Committee on Law

Which was not agreed to.

On the adoption of the Resolution, the yeas and nays were demanded by Messrs. Dennis and Brenan.

And were as follows:

YEAS.—Messrs. Baird, Bobb, Case, Conrad Osborn, Cooley, Day, Fisher, French, Gheen, Gillingham, Hacker, Handy, Harbert, Heins, Hodgdon, Holmes, House, Kelley,

Kelton, Kersey, Krider, Miller Hiram, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam, Simons, Smedley, Uber, Wagner, Wetherill.

NAYS.—Messrs. Brenan, Bowker, Bullock, Cattell, Comly, Conrad William, Cooper, Dennis, Eckfeldt, Enyard, Fish, Gamble, Gay, Gordon, Haas, Harmer, Hutchinson, Jones, Kerr, Ketcham, Luther, Manuel, McBride, McClean, Megary, Miller George B., Moyer, Savage, Schoch, Steelling, Wildey, Wister, Trego, *President.*

Yeas, 34. Nays, 33.

So the Resolution was adopted.

Mr. Hacker

Presented a further report from the same Committee with a Bill annexed entitled,

"AN ORDINANCE

to make an appropriation to the Department of the City Commissioners to pay deficiencies for the year 1858." (*See Appendix No.* 133.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Bowker

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Department of Surveys be authorized and is hereby directed to extend the survey authorized in a Resolution approved November 6th 1856, eastwardly to Ridge Road, and nortwardly to Domino Lane.

Which was referred to the Committee on Surveys.

Mr. Kelley

On leave, offered the following

## Resolution:

*Resolved*, That the Committee on Markets be instructed to report an Ordinance providing for the removal of the two squares of market houses, (known as the Iron Markets,) on Market Street between Sixteenth and Eighteenth, and re-erecting the same on South Eleventh Street below Catharine.

Which was referred to the Committee on Markets.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Bill, entitled,

"AN ORDINANCE

to create a loan for the further extension of the Philadelphia Gas Works."

On this motion the yeas and nays were demanded by Messrs. Gordon and Mascher.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Bowker, Case, Cattell, Comly, Conrad Osborn, Conrad William, Cooley, Cooper, Day, Dennis, Eckfeldt, Enyard, Fisher, French, Gheen, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, House, Jones, Kelley, Kersey, Ketcham, Krider, Luther, McClean, Megary, Miller Hiram, Nippes, Potter, Riley, Roats, Rothermel, Rubicam, Savage, Schoch, Simons, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wetherill, Wister, Trego, *President.*

NAYS.—Messrs. Bullock, Fish, Gillingham, Gordon, Kelton, Manuel, Mascher, Mingle, Moyer, Wildey.

Yeas, 53. Nays, 10.

So the motion was agreed to.

The Clerk submitted one of each of the newspapers in which the bill had been published in conformity with law.

The Bill was again read.

Mr. Manuel

Moved to amend by striking out all after the word *Provided* at the end of the Section, and inserting the folowing:

"That at least one half of the amounts of certificates of the loan or the proceeds thereof, authorized by the authority of this Ordinance, shall be, and they are hereby appropriated to the purchase and laying of the ordinary sized pipes (exclusive of large mains or feeders) for the distribution of gas, and the purchase of service pipes, meters, and their appurtunances and for the labour in the introduction of Gas into Houses or Buildings."

On this motion the yeas and nays were demanded by Messrs. Mascher and Manuel.

And were as follows:

YEAS: — Messrs. Bullock, Conrad Osborn, Dennis, Ellis, Eckfeldt, Fish, Fisher, French, Gamble, Gay, Gallingham, Gordon, Haas, Heins, Hodgdon, Holmes, House, Hutchinson, Kelton, Manuel. Mascher, McBride, Moyer, Potter, Pugh, Rothermel, Savage, Schoch, Steelling, Wagner, Wildey.

NAYS:—Messrs. Brenan, Bobb, Bowker, Case, Cattell, Comly, Conrad William, Cooley, Cooper, Day, Gheen, Hacker, Handy, Harbert, Harmer, Jones, Kelley, Kerr, Kersey, Krider, Luther, McClean, Miller Hiram, Nippes, Riley, Roats, Rubicam, Simons, Smedley, Thompson, Uber, Walsh, Wister, Trego, *President.*

Yeas, 31. Nays, 34.

So the amendment was not agreed to.

Mr. Bullock

Moved to amend by adding the following.

*Provided*, That it shall not be lawful for the said Trustees to erect or cause to be erected any dwelling house or houses, without first having the consent of Councils.

Which was agreed to.

Mr. Potter

Moved to further amend by adding the following.

*Provided further*, That from, and after the first day of May, 1859, the price chargeable for the gas consumed in all public lamps, in which gas is now used or consumed, furnished by the said Trustees of the Philadelphia Gas Works, and those that may be hereafter erected, shall not exceed twenty-five dollars per annum. And that the price chargeable for lighting, extinguishing cleansnig and doing

the necessary ordinary repairs for said lamps, which shall be done by said Trustees, shall not exceed for each of said lamps $6 05 per annum,

Bills for the same shall be paid monthly in the following manner.

Upon the presentation of their bills each month, by the said Trustees to the Mayor of the City, he shall forthwith be required to draw his warrant on the Treasurer of the City in favor of the said Trustees for the payment of the same. *Provided*, the correctness of the said bills is duly certified by the Committee on gas.

Monthly statement of the number of public lamps in use, and of the time of introduction of all new lamps, are hereby required to be furnished by the Trustees of said Gas Works to the Committee on Gas, which Committee shall examine said statements and report thereon to Councils.

Mr. Wister

Rose to a point of order to wit: that the proposed amendment was not germain to the subject of the Bill under consideration.

The President

Decided the point of order well taken.

Mr. Mascher

Moved to amend by inserting the word "all" before the word "amounts."

Which was not agreed to.

Mr. Pugh

Moved to further amend by adding the following at the end of the Section.

*Provided*, That one-half of the future accumulation of the contingent fund shall be appropriated to the laying of

the ordinary sized pipes, and the introduction of service pipes, meters, and their appurtenances.

Which was not agreed to.

Mr. Gordon

Renewed the amendment offered by Mr. Potter, and decided to be not in order by the President.

This amendment the Chair again decided to be out of order.

Mr. Gordon

Appealed from the decision of the Chair, and the decision of the Chair was sustained.

The First Section was agreed to.

The Second Section was again read.

Mr. Wister

Moved to amend by adding after the word "ordinance" the words "to create a loan."

Which was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was read.

And on its adoption, the yeas and nays were demanded by Messrs. Kerr and Wister.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Bowker, Case, Cattell, Comly, Conrad Osborn, Conrad William, Cooley, Cooper, Day, Dennis, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, Holmes, Hutchinson,

Jones, Kelley, Kerr, Kersey, Krider, Luther, McBride, McClean, Miller George B., Miller Hiram, Mingle, Nippes, Riley, Rothermel, Rubicam, Savage, Simons, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wetherill, Wister, Trego, *President*.

NAYS.—Messrs. Gillingham, Manuel, Mascher, Potter, Pugh, Schoch, Wildey.

Yeas, 53. Nays, 7.

Mr. Hacker

Moved to postpone the further consideration of the Bill for the present, and that it be made the special order of the day for Thursday afternoon next at four o'clock.

Which was agreed to.

The following Message was received from the Mayor

OFFICE OF THE MAYOR,
*Philadelphia, March 10th*, 1859

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—I return without my signature the accompanying Bill, entitled "An Ordinance to make an appropriation to the Fire Department for the year 1859, and to pay claims incurred during the year 1858."

Such Ordinance makes provision in the 17th item of its 1st Section for a gratuity to the Steam Fire Engine Company America, which has not been located or approved, in contravention of the terms of the "Ordinance to locate Steam Fire Engines" approved February 21st 1859, whereby it was enacted that any Fire Company intending to procure a Steam Fire Engine shall be located by a recommendation of the Committee on Trusts and Fire Department, and approved by Councils before any appropriation for their support shall be made.

The 22nd item of the same Section gives to the Moya-

mensing Hose Company the sum of two hundred and sixty-six dollars and sixty-six cents, as their appropriation for six months, due July 1st, 1858, but by reference to the Ordinance approved November 11, 1858, it will appear that the appropriation to said Company of $366 66 for ten months, due July 1st, 1858, was not to be paid them if the charges then pending against them should be sustained.

The Resolution of January 6th, 1859, suspending the said Company for the space of four months, from the 29th day of June last past, I deem sufficient evidence that the charges preferred against them have been sustained, and therefore they have no claim to the amount thus appropriated.

It is to be regretted that the meritorious claims of other Companies, provided for by this Ordinance, should in any wise be delayed, but I have felt it incumbent to call your attention to the previous and recent legislation which appears to have been overlooked.

The appropriations to the Fire Department contemplated by this Ordinance, exceed in amount the similar appropriations of 1858, nominally by more than $26,500, but as the entire gratuities to the Steam Fire Engine Companies cannot become due under the provisions by which they are accompained, the actual disbursments of the Department will not require the whole appropriation, unless other Companies with such apparatus be included therein.

In view of the very important changes in the Fire Department, consequent upon the introduction of the Steam Fire Engine into general use, I would recommend the adoption of some system which, whilst it would offer every encouragement to the support and extension of the new method of extinguishing conflagrations, should also afford proper security to the community; that under no circumstances will they be left without the right and ability to avail themselves of its advantages.

The payment of the large appropriation which will be annually required towards the support of each of the

several Steam Fire Engine Companies, should be preceded by a contract with each of them, that the City may at any time hereafter be entitled to become the owner of their respective apparatus by the payment of its actual cost, a statement of which should to such end be furnished, or of its estimated value at the time of purchase.

Provision should also be made by which the City through some designated Department may be entitled to the use of any Steam Fire Engine, in case of the suspension from active service of the Company to which it belongs or of their refusal to afford its assistance when it may be needed for the preservation of property.

The manifold advantages that must accrue to the community from the general use of the Steam Fire Engine, can hardly be overrated; but there is need of wise and careful legislation in the outset of this new system, for which I ask the early and efficient action of the City Councils.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The Bill returned by the Mayor was again read.

Mr. Hacker

Moved that its further consideration be postponed for the present.

Which was agreed to.

Mr. Manuel

From the special Committee on the subject of the change of location of the Precinct House of the Fourth Division of the Twentieth Ward, presented a Report with a Resolution annexed, entitled, "Resolution changing the place of voting in the Fourth Division of the Twentieth Ward." (*See Appendix, No.* 134.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time, and adopted.

Mr. Jones

Offered the following

## Resolution:

*Resolved*, That the Chief Commissioner of Highways give notice that the City will open Twenty-ninth Street from the Ridge Avenue to Susquehanna Avenue, according to the Act of Assembly relative to opening Streets.

Which was referred to the Committee on Highways.

Mr. Manuel

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Department of Highways notify the owners of properties fronting on Lithgow (late Mechanics) Street from Diamond Street to Susquehanna Avenue in the Nineteenth Ward, to grade and pave the side-walks and set the curb opposite there respective properties, preparatory to the paving of said Street.

Which were referred to the Committee on Highways.

Mr. Bullock

From the Committee on Highways, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

providing for the repairing of a small bridge and road

in the Twenty-third Ward, together with five Resolutions, entitled,

1. "Resolution to authorize Moore and Morris Streets to be paved."

2. " Resolution to open Twentieth Street from Poplar to Parrish Street."

3. "Resolution to notify the owners of property on Lehigh Avenue to grade and pave their footways."

4. "Resolution authorizing certain Streets to be graded."

5. "Resolution approving the sureties of the contractors for cleansing the Streets." (*See Appendix, No.* 135.)

And moved to proceed to the second reading and consideration of the Bill accompanying the Report enl titled "An Ordinance providing for the repair of a smal-bridge and road in the Twenty-third Ward."

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Moved to proceed to the second reading and consideration of the first Resolution, entitled "Resolution to authorize Moore and Norris Streets to be paved."

Which was agreed to.

The Resolution was read a second time and adopted.

Also,

Moved to proceed to the second reading and consideration of the second Resolution, entitled, "Resolution to open Twentieth Street, from Poplar to Parrish Street."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the third Resolution, entitled, "Resolution to notify the owners of property on Lehigh Avenue to grade and pave their footways."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the secend reading and consideration of the fourth Resolution, entitled "Resolution authorizing certain Streets to be graded.

Which was agreed to.

The Resolutions were read a second time.

The first Resolution was adopted.

The second Resolution was adopted.

The third Resolution was read a second time, and on

its adoption the yeas and nays were demanded by Messrs. Gordon and Wetherill.

And were as follows:

YEAS:—Messrs. Bullock, Cattell, Conrad Osborn Cooper, Dickinson, Eckfeldt, Ellis, Fish, French, Gamble, Gay, Gheen, Haas, Harbert, Heins, Hodgdon, Jones, Kelton, Kerr, Krider, Luther, Manuel, Mingle, Nippes, Potter, Pugh, Riley, Rothermel, Simon, Smedley, Steelling, Uber, Wagner, Walsh, Wister, Trego, *President.*

NAYS:—Messrs. Fisher, Gordon, Mascher, Schoch, Thompson.

Yeas, 36. Nays, 5.

A quorum not having voted the question was not decided.

A message was received from Select Council, informing that they had passed a Bill entitled "An Ordinance supplimentery to an Ordinance entitled 'An Ordinance regulating PassengerRailways,' approved July 7, 1859.'"

Also, "An Ordinance provided for the payment of amounts relized from sale of loan, authorized for the construction of the Cohocksink and other culverts, approved October 1, 1858."

Also, that they have concurred in the Bill entitled "An Ordinance declaring Broad Street and other Streets Stands for Market Wagons." With the following amendments to wit: amend by striking out all after the enacting clause, and inserting as follows, to wit:

"That from and after the passage of this Ordinance, the east side of Broad Street from the south side of Ridge Avenue to the north side of Callowhill Street, and from the south side of South Street to the north side of Christian Street, and the south side of Shippen Street from the west side of Second Street to the east side of Third Street, and on South Street from the west side of

Sixth Street to the east side of Twentieth Street, and on Girard Avenue from Tenth Street to the Frankford Road, and on Fourth Street from Green Street to Girard Avenue, Nineteenth Street from Green to Vine Streets, and from Arch to Callowhill Street, and from Pine to Christian Street, and Callowhill Street from Broad to Nineteenth Streets, and from the South side of Market Street, in the Twenty-fourth Ward, from the west side of Thirty-fifth Street, to the east side of Thirtieth Street, six months alternately on each side, shall be, and are hereby appropriated as stands for Farmers, for the sale of the produce of their respective farms and gardens; the vehicles to be placed in a single row on Broad Street, with their backs to the curb, and on all other streets, with their sides to the curb; keeping at the distance of three feet from the lines of any cross Street, Lane, or Public Alley, under a penalty of one dollar for every offence; and also clear from any passage or crossing place laid with flag or other stones, and also from in front of any place of public worship, under a like penalty of one dollar for every offence.

Section 2. That it shall not be lawful for any farmer or gardener occupying or using any of the aforesaid Street as Market stands, to occupy more than four feet in width of the footway on Broad Street, or three feet on any other street, where his or her vehicle may be placed, measuring from the outside of the curbstone, under a penalty of fifty cents for each and every offence.

Section 3. That all fines and penalties incurred under this Ordinance, shall be recoverable as debts are by law recoverable.

Section 4. That no person shall offer for sale any veal, beef, lamb, mutton, pork, or other butcher's meat, upon any of the Streets hereinbefore authorized for the Stands for Market Wagons, under a penalty of twenty dollars, to be recovered before any alderman of the City of Philadelphia, one-half thereof to the use of the informer, the other half to be paid to the City Treasurer.

Also, that they have concurred in the Bill, entitled, "An Ordinance making an appropriation for purposes therein stated."

Also, that they have concurred in the Bill, entitled, "An Ordinance to authorize a loan for the extension of the Water Works."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing notice to be given for the opening of Tioga and other streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the Chief Commissioner of Highways to invite proposals for building a bridge at Bridesburg."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing notice to be given for the curbing and paving of the side walks of Twenty-second and other streets."

Also, that they have concurred in the Resolution, entitled, "Resolutions to grade Shippen Street in the First Ward, and Manheim and Wayne Streets in the Twenty-second Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the paving of Dickerson Street."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the Chief Commissioner of Highways to open streets."

Mr. Wetherill

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, March 17, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Bullock,
Carson,
Case,
Cattell,
Comly,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,

Messrs. Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McCahen,
McClean,
McDonough,
McIlvain,
Megary,
Miller Geo. B.,
Miller, Hiram,
Mingle,

Messrs. Moyer, Nippes, Potter, Pugh, Riley, Rubicam, Savage, Server, Simons, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wetherill, Wister, Wright,

Trego, *President.*

Mr. Fish,

On leave, offered the following

# Resolution:

To Authorize a Transfer of Contract.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be, and is hereby authorized and directed to insert the name of William Hutchinson in the place of H. A. Bennett, as partner with John T. Prall, Contractors for constructing the Branch Culvert from Pennsylvania Avenue, on Brown, Twenty-seventh, Parrish, and Twenty-fifth Streets. *Provided* the security offered by said Hutchinson can be made satisfactory.

Which was referred to the Committee on Highways.

The President

Announced that in conformity with an Ordinance of Councils recently passed, entitled "An Ordinance to prepare and revise a Municipal Code," he had appointed Edward Olmstead, Esq., one of the Commissioners.

Also,

Submitted the following Communication :

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmith's Hall, Library Street,*

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—I beg leave to call the attention of your honorable bodies to the alarming state of affairs that exist at present in the Fire Department, which is carried on by some of our Fire Companies, and the runners thereof, who seem to keep up their riotous propensities at such a pitch that it is really unsafe for the good and orderly portion of our Firemen to attend fires without jeopardizing their lives.

Such conduct has, in my opinion, been caused on account of those Companies, which I reported for outrageous conduct toward each other, and for committing violence upon me, not being sufficiently punished; and from this fact the unruly portion openly declare they are determined to do as they please, because Councils will not punish them.

I succeeded lately in getting the alarm bells of the different Companies under some system, by silencing one or two, until such times as the Companies possessing them would guarantee that in future they would be rung properly; by adopting such a course, our City was kept quiet, and all false alarms ceased; but when I stopped the Fairmount and United States Engine bells, the latter boasted of having a chartered right to ring their bell, and that neither Councils or myself had any control over them, and also that they would ring in spite of my teeth; and not being satisfied with this, both of these Companies succeeded in getting up a Convention, composed of some twenty Companies, eighteen of which had been reported to Councils by me for disorderly conduct, for the purpose, as they asserted, of "taking the tyrant's power out of his hands," which Convention appointed a Committee for the purpose of urging upon the Committee on Trusts and Fire Department, and subsequently upon his honor the Mayor, the necessity of making said Alarm Bells Station Bells, who, I am exceed-

ingly sorry to say, succeeded; thus the power was entirely taken from me.

Since then, and more particularly for the last two weeks, the Department has been kept in an uproar both day and night, and it is impossible for me in all instances to suppress it, on account of the action recently taken by Councils.

Before I stopped these bells, I warned the Companies to which they belonged, to be more particular, and avoid as much as possible creating false alarms and unnecessary ringing therewith; but still they persisted in ringing, until they became perfect nuisances, which, of course, led me to act as already stated.

Some of the Companies assert that I report them, because they did not cast their vote for me at the last election, which I beg leave to deny, as all my actions have been for the promotion and welfare of the Department; nearly all the Companies that have been before Councils were reported previous to my election, and some of whom, at my first election, voted for me.

Some members of Councils, and citizens generally, ask, Why don't the Chief Engineer suppress this riot and disorder? I would therefore state that if I could reach them, I would stop it, but I labor under great difficulty in getting sufficient proof to enable me to suspend such Companies, as there is always such an unwillingness, on the part of our disorderly firemen, to appear against one another, that in many instances my efforts prove fruitless. I think if Councils would punish a few of the Companies when they are before them severely, it would not be long before they would expel their disorderly members, but it appears to me in some instances, the men who fight the hardest, and swear without any compunction of conscience, are in some Companies considered the best members.

In conclusion, permit me to suggest, that if your honorable bodies are desirous of having an orderly and

efficient Department, and are not anxious to punish the Companies in criminal cases, the propriety of the passage of an Ordinance requiring me to report all such cases to the Court of Quarter Sessions, as I have faith in the honesty of the Judges thereof, to administer justice to all. No honest and law-abiding Company would object, but those who feel guilty would perhaps oppose being brought before such a tribunal.

Respectfully yours,

SAMUEL P. FEARON,

*Chief Engineer of the Fire Department.*

*March* 17, 1859.

Also,

The following Communication:

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmith's Hall, Library Street,*

*To the Honorable the Members of the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN.—On the 21st day of February, the Hope Engine Company, through their Secretary, presented me with an affidavit of which the following is a correct copy, to wit:

*City of Philadelphia, ss.*

On the twenty-first day of February, A. D. 1859, before me, an Alderman in and for the said City, personally came Charles Van Hartel, A. McIntyre, John P. Ahern, James P. Dole, and John P. Ellison, who being duly sworn do severally say, that the Hibernia Fire Engine Company did wantonly and maliciously run into the Hope Fire Engine Company, on the night of February 16th, 1859, while said Hope Fire Company were peaceably proceeding to an alarm of fire given by the State House Bell, said running into having taken place in Chestnut Street between Sixth and Seventh

Streets, and also in Ninth Street between Chestnut and Market Streets, that the said Hibernia Fire Company, appeared to deponents to be laying back in wait for said Hope in Chestnut Street below Sixth.

Charles Van Hartel,
A. McIntyre,
J. P. Ahern,
J. P. Doyle,
J. P. Ellison.

Sworn and Subscribed before me, this 21st day of February, A. D. 1859.

SAMUEL F. FLOOD,

*Alderman.*

And immediately upon the receipt of the same, I summoned both Companies to appear before the Board of Engineers who after hearing the testimony of both parties, sustained the charge. I have therefore suspended the Hibernia Fire Engine Company from service, and now submit the case for your valuable consideration.

Respectfully yours,

S. P. FEARON,

*Chief Engineer of Fire Department.*

*March* 15, 1859.

Also,

The following Communication:

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmth's Hall.*

*To the Honorable the Members of Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—Agreeably to the power and authority e, by an Ordinance approved June 23, 1859

I have suspended from service the Northern Liberty Engine Company, for disorderly conduct, for disobedience of the orders of one of my Assistant Engineers, and for the destruction of property by the unnecessary use of water during the time of fire, on Saturday evening last, at the south-west corner of New Market and Callowhill Streets.

I therefore submit the case for final consideration.

Respectfully yours,

S. P. FEARON,

*Chief Engineer of Fire Department.*

*March* 17, 1859.

Also,

The following Communication:

*To the Honorable the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—The memorial of the Hibernia Fire Engine Company, No. 1, of the said City, respectfully represents:

That the said Company has recently been suspended from service by the Chief Engineer of the Fire Department, for acts on the part of some of the members while going to a fire, which, if true to the extent alleged, they sincerely believe are not sufficient to excuse, much less justify so extreme a measure by the Chief.

Under the impression that the public safety in case of fire will be greatly perilled by this step, which prohibits them from using their steam engine and other apparatus for its extinguishment, and not wishing to see the community exposed for so inadequate a cause, they respectfully ask the permission of your honorable bodies

to continue in service as usual until the question is finally assed upon, and they, etc.

In behalf of the Hibernia Fire Company,

JAMES PAGE,

*President.*

*Philadephia, Mareh* 17, 1859.

Also,

The following Communication:

*To the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—Having been suspended from active service by the statements of an Assistant Engineer made to the Chief, we respectfully request that this, our petition, may be referred to the proper Committee, to take cognizance of such unbiassed evidence as we can submit, so that we again may be placed in our former position, as an efficient Fire Company.

WM. M. OGDEN,

*President of the Northern Liberty Engine Co.*

GEO. S. SASMAN,

*Secretary pro tem.*

3*d Mo.* 16, 1859.

Which were severally referred to the Committee on Trusts and Fire Department.

Also,

A Petition for the dedication of the Girard Home stead farm, as a public park.

Which was referred to the Committee on Girard Estates.

The following message was received from the Mayor.

MAYOR'S OFFICE,
*Philadelphia, March* 17, 1859.

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinance and Joint Resolutions have been approved and signed, viz:

On the 14th inst. "A Resolution changing the place of voting in the Fourth Division of the Twentieth Ward."

On the 14th inst. "A Resolution authorizing notice to be given for the curbing and paving of the sidewalks of Twenty-second and other streets."

On the 14th inst. "Resolution to authorize the Chief Commissioner of Highways to invite proposals for building a bridge at Bridesburg."

On the 14th inst. "A Resolution authorizing notice to be given for the opening of Tioga and other Streets."

On the 14th inst. "A Resolution to authorize the paving of Dickinson and other Streets."

On the 15th inst. "A Resolution to authorize the Chief Commissioner of Highways to open streets."

On the 15th inst. "A Resolution to grade Shippen Street in the First Ward, and Manheim and Wayne Streets in the Twenty-second Ward."

On the 15th inst. "An Ordinance making an appropriation for the purposes therein stated."

On the 17th inst. "An Ordinance to authorize a loan for the extension of the Water Works."

Respectfully,

ALEXANDER HENRY,

*Mayor of the City of Philadelphia.*

Mr. Krider

Presented a Petition from Abel Jeanes, for a contract for grading certain Streets.

Which was referred to the Committee on Highways.

Also,

Presented a Petition for an extension of the time for the removal of the Markets from Market Street.

Which was referred to the Committee on Markets.

Mr. Server

Presented a Petition for Water pipes on Dickinson Street.

Which was referred to the Committee on Water Works.

Mr. French

Presented a Petition for repaving with tramway St. Joseph's Avenue between Seventeenth and Eighteenth Street.

Which was referred to the Committee on Highways.

Mr. Case

Presented a Petition for a fire plug, on the south side of Market Street east of Tenth Street.

Which was referred to the Committee on Water Works.

Mr. Wetheril

Presented a Petition for a lamp in Chatham Street between Seventeenth and Eighteenth Street.

Which was referred to the Committee on Police.

Mr. Mascher

Presented a bill of S. D. Steele, for $250.

Which was referred to the Committee on claims.

Mr. Gamble

Presented a Petition for the grading of Girard Avenue and finishing the Bridge.

Mr. Mascher

Presented a Petition of similar import.

Mr. H. Miller

Presented a Petition for paving Buttonwood Street, between Sixteenth and Eighteenth.

Also,

A Petition for paving Spring Garden Street, between Eighteenth and Pennsylvania Avenue.

Which were referred to the Committee on Highways.

Mr. Potter

Presented a Petition for the grading of Pratt Street in the Fifteenth Ward.

Which was referred to the Committee on Highways.

Mr. H. Miller

Presented a Petition for water pipe on Spring Garden Street, between Pennsylvania Avenue and Eighteenth Street.

Also,

A Petition for water pipes on Buttonwood Street, between Sixteenth and Eighteenth.

Also,

A Remonstrance against the removal of the water

pipes on Twenty-fourth Street, between Callowhill and Green Streets.

Which were referred to the Committee on Water Works.

Also,

A Remonstrance against the removal of the gas pipes from said street.

Which was referred to the Committee on Gas Works.

Mr. Ellis

Presented a Petition for paving Master Street, between Sixteenth and Ridge Avenue.

Mr. Gheen

Presented a Petition for paving Haverford Street, ro m Twenty-third to Logan Street.

Which were referred to the Committee on Highways.

Also,

A Petition for water pipe on Haverford Street, from Thirty-seventh to Logan Street.

Which was referred to the Committee on Water Works.

Mr. Kersey

Presented a remonstrance against declaring Callowhill Street, west of Broad Street, a stand for Market wagons.

Which was referred to the Committee on Markets.

Mr. Gordon

Presented a Bill of E. Kelley, for $10 00.

Which was referred to the Committee on Finance.

Mr. Harmer

Presented a Petition for Lamps on Chew, Penn, and Thorp Streets.

Mr. Smedley

Presented a Petition for Gas Lamps in Frankford Market.

Which were referred to the Committee on Police.

Mr. Krider

Presented a Petition for the improvement of the Parade Ground in the First Ward.

Which was referred to the Committee on City Property.

Mr. Walsh,

On leave, offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Committee on Markets, be, and they are hereby instructed to bring in an Ordinance, making an appropriation for the erection of three Market Sheds on Eleventh Street, south from Catharine.

Which was referred to the Committee on Markets.

Mr. Jones,

From the Committee on Police, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation for the payment of claims.' (*See Appendix, No.* 136.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Jones

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

The same gentleman

Presented a further report from the same Committee with a Bill annexed, entitled,

"AN ORDINANCE

to authorize the Mayor to appoint substitutes on the Police." (*See Appendix, No.* 137.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Jones

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further report from the same Committee, with a Resolution annexed, entitled, "Resolution authorizing a suit to be brought against Alderman James B. Freeman." (*See Appendix, No* 138.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Mascher

Moved to amend by adding the following as a Second Resolution.

*Resolved*, That the office of Alderman James B. Freeman as Police Magistrate of the Third Police District of the City of Philadelphia be, and the same is hereby declared vacant.

Mr. Baird

Moved to refer the amendment to the Special Committee on the charges against Alderman Allen.

Which was not agreed to.

The question recurring on the amendment, it was referred to the Committee on Police.

Mr. Moyer

From the Committee on Trusts and Fire Department, presented a report with a Resolution annexed, entitled, "Resolution suspending the West Philadelphia Hose Company." (*See Appendix, No.* 139.)

And moved to proceed to the second reading and consideration of the Resolution.

Mr. Hacker

Moved to amend by striking out all after the word "Resolved," and inserting the following, "That the suspension of the West Philadelphia Hose Company for one month, from the 14th day of February, be, and the same is hereby approved, and that said Company be re-instated from this date.

Which was agreed to.

The Resolution, as amended, was adopted.

Mr. Moyer,

From the Committee on Trusts and Fire Department, presented a Report with a Bill entitled,

"AN ORDINANCE

supplementary to an Ordinance entitled 'An Ordinance to o cate Steam Fire Engines.'" (*See Apendix, No.* 140.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Potter,

Moved to amend by striking out the America Engine Company.

Which was not agreed to.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Gordon

From the Committee on Poor to whom was referred a Bill entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poer, to pay Deficiency Bills for the year 1858."

Reported said Bill back to Councils with amendments. (*See Appendix, No.* 141.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

Mr. Handy

Moved to amend by striking out all Items for carriage hire.

Which was not agreed to.

The First Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The hour of four o'clock having arrived, which was fixed at the last meeting of Councils to consider the Bill entitled,

"AN ORDINANCE

to create a loan for the further extension of the Philadelphia Gas Works."

Mr. Hacker

Moved to read the Bill a third time by its Title.

Mr. Gamble

Moved that Council resolve itself into Committee of the Whole for general amendment.

Which was not agreed to.

Mr. Pugh

Moved that Council resolve itself into Committee of the Whole, for special amendment, to-wit: by adding at the end thereof, the following:

*Provided*, "That at least one half of the amount of this loan, shall be, and is hereby appropriated to the purchase of service pipes, meters, and their appurtenances, and for the labor in the introduction of Gas into houses or other buildings."

Which was not agreed to.

The question recurring on the final passage of the Bill, the yeas and nays were ordered in conformity with law.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Bobb, Bowker, Carson, Case, Cattell, Comly, Conrad Osborn, Conrad William, Cooley, Cooper, Day, Doerr, Eckfeldt, Ellis, Enyard, Fish, Fisher, French, Gamble, Gay, Gheen, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, House, Hunter, Hutchinson, Jones, Kelley, Kerr, Kersey, Ketcham, Krider, Luther, McBride, McCahen, McClean, McDonough, McIlvain, Megary, Miller Geo. B., Miller Hiram, Mingle, Nippes, Pugh, Riley, Rubicam, Savage, Server, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wetherill, Wister, Wright, Trego, *President*.

NAYS.—Messrs. Bullock, Dickinson, Gillingham, Manuel, Moyer, Potter.

Yeas, 66. Nays, 6.

So the Bill passed.

Mr. Hutchinson,

From the Committee on Surveys, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to authorize the construction of a culvert in the Nineteenth Ward." (*See Appendix No.* 142.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was read.

Mr. Gordon

Moved to amend, by striking out so much as relates to contracts, and inserting that the Culvert shall be constructed under the direction of the Department of Surveys.

Which was not agreed to.

The Second Section was again read.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

The same gentlemen

Presented a further Report from the same Committee, adverse to petitions for the construction of inlets in the neighbourhood of Fifteenth and Arch Streets, with a Resolution discharging the Committee from the further consideration of the subject. (*See Appendix. No.* 143.)

The Resolution was read twice and adopted.

The same gentleman

Presented a further report from the same Committee, with a Bill annexed, entitled,

"AN ORDINANCE

directing the revision of grades on Arch Street, between 20th and 21st Streets," (*See Appendix No.* 144.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules and read the Bill a third by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Manuel,

On leave, offered the following

# Resolution:

Requesting the Governor to withhold his signature from certain Passenger Railway Bills.

*Whereas*, by the published proceedings of the Senate and House of Representatives of the State of Pennsylvania, the citizens of the City of Philadelphia are credibly informed that the two branches of the State Legislature have passed an Act, Supplementary to Act authoring the construction of the Germantown Passenger Railway empowering said Railway Company to construct or to extend the road of the said Company over the line of Eighth, Fourth, and Walnut Streets, in the City of Philadelphia, without the consent or intervention of Councils, therefore be it

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that his Excellency, W. F. Packer, Governor of the State of Pennsylvania be most respectfully, but earnestly requested to withhold his signature from the Act, Supplementary to an Act, authorizing the construction of the Germantown Passenger Railway. *Provided*, the said Act does not contain provisions that the said Company shall have the consent of the Select and Common Councils of the City of Philadelphia, before they shall be authorized to construct their road over the line of Fourth, Eight, Dickinson, and Walnut Streets of the City of Philadelphia, and be subject to the General Ordinances of the City, regulating Passenger Railways.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Wister

Moved that when Council adjourn, it adjourns to meet on Monday afternoon next, to consider business from Select Council, now on the Presidents' desk.

Which was agreed to.

Mr. Fish

From the Committee on Markets, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

supplementary to an Ordinance approved April 28th, 1858, entitled an Ordinance to establish and regulate a market in the late borough of Frankford, Twenty-third Ward." (*See Appendix, No.* 145.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

The Bill was ordered to be prepared for a third reading.

Mr. Fish

Moved to suspend the rules, and read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further report from the same committee, with a Bill annexed, entitled,

"AN ORDINANCE

to repeal a part of Section 2, of an Ordinance, entitled an 'Ordinance relating to Second Street Market place, passed September 27th, 1845.'" (*See Appendix, No.* 146.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Fish

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Fish

From the same Committee, presented a report adverse to the petition for declaring the streets around the Pennsylvania Hospital a stand for market wagons with a Resolution discharging the Committee from the further consideration of the subject. (*See Appendix, No.* 147.)

The Resolution was read a second time and adopted.

Mr. Bullock

From the Committee on Highways, presented a report with seven Resolutions annexed, entitled,

1. "Resolution to authorize the grading of certain Streets in the Twenty-third Ward."

2. " Resolution to authorize the paving of Noble St.

3. " Resolution to authorize the grading of certain Streets in the Twenty-fourth Ward."

4. " Resolution to authorize the grading of Lentz Street in the First Ward."

5. " Resolution to authorize the paving of Adams and other Streets."

6. " Resolution to authorize certain Streets to be graded in the Twenty-fourth Ward."

7. " Resolution authorizing notice to be given for the curbing and paving of footways on certain Streets." (*See Appendix, No.* 148.)

And moved to proceed to the second reading and consideration of the First Resolution entitled, " Resolution to authorize the grading of certain Streets in the Twenty-third Ward.

Which was agreed to.

The Resolution was read a second time.

Mr. Kelley

Moved to amend by adding the following, as a proviso.

*Provided*, That the grading provided for in the preceding Resolution shall be done by contract, the contract to be given to the lowest bidder, after one week's advertisement in two daily newspapers by the Chief Commissioner of Highways.

Which was not agreed to.

The same gentleman

Moved to postpone the further consideration of the Resolution for the purpose of taking up a Bill from Select Council entitled,

"AN ORDINANCE

to regulate Passenger Railways."

Which was not agreed to.

The Resolution was adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Second Resolution entitled, "Resolution to authorize the paving of Noble Street."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Third Resolution entitled, "Resolution to authorize the grading of certain Streets in the Twenty-fourth Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentlemen

Moved to proceed to the second reading and consideration of the fourth Resolution, entitled, "Resolution to authorize the grading of Lentz Street, in the First Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Fifth Resolution, entitled, "Resolution authorizing the paving of Adams and other Streets."

Which was agreed to.

Mr. H. Miller

Moved to amend the words, "who shall be the owners of at least one half of the whole length to be paved."

Which was agreed to.

Mr. Gordon

Moved to further amend, by striking out the words, "who shall be selected by a majority of the property owners on each of the following Streets."

Which was not agreed to.

The Resolution, as amended, was adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Sixth Resolution, entitled "Resolution authorizing certain Streets to be graded, in the Twenty-fourth Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the Seventh Resolution, entitled, "Resolution authorizing notice to be given for the curbing and paving footways on certain Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Bullock

Moved to proceed to the second reading and consideration of a Resolution from Select Council, entitled, "Resolution to dispose of certain frame buildings in the late borough of Frankford."

Which was agreed to.

The Resolution was read a second time and adopted.

The Preamble was adopted.

The Title was agreed to.

So Common Council concurred.

A Message was received from Select Council, informing Council that they had received a Report from the Committee on Law, with a Bill entitled, "An Ordinance to change the boundry lines of the 5th, 6th, and 7th divisions of the Eighteenth Ward, to create an additional division in said Ward, and to establish a place of voting in said additional division."

Which they had passed and asked concurrence.

Mr. Moyer

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Moyer

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Dennis,

From the special Committee upon the subject of additional accomodations for the Law Library presented a report with a Bill annexed, entitled,

"AN ORDINANCE

to grant the use of a room to the Law Association, and to make an appropriation for fitting up the same." (*See Appendix, No.* 149.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was read.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Dennis

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

A message was received from Select Council informing Council, that they had concurred in the Bill, entitled, "an Ordinance to make an appropriation to defray expenses in the removal of certain Telegraph Boxes and the extension of the Telegraph, and introduction of the same in the Steam Fire Engine Houses, with the following amendmendments, in which they ask concurrence, to wit:

Amend the Second Section by adding at the end thereof as follows, to wit:

"*And provided further*, that if the amount of said warrants shall exceed the amount remaining unexpended of said loan, such excess of warrants shall be paid in cash."

Mr. Gordon

Moved to concur in the amendments.

Which was agreed to.

A message was received from Select Council, informing Council that they had passed a Bill, entitled, "An Ordinance, providing for the payment of amounts realized from sale of loan, authorized for the construction of the Cohocksink and other Culverts, approved October 1, 1858." In which they ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

A message was received from Select Council, informing Council that they had concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Guardians of the Poor, to pay deficiency bills for the year 1858." With the following amendments, in which they ask concurrence, to-wit:

Amend by striking out all the bills for Flour, namely, $5,301 16.

Also, amend by striking out the following Item, to-wit:

"To pay I. R. Deacon for arrears of Salary, one hundred dollars, ($100.)"

Mr. Wetherill

Moved to concur in the amendments.

Which was not agreed to.

Mr. Pugh

Offered the following

# Resolution;

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Department of Highways are hereby directed to have constructed, an inlet into the sewer at the south-west corner of Twelfth and Poplar Streets in the 14th Ward."

Which was referred to the Committee on Highways.

A message was received from Select Council, informing Council, that they had concurred in the Resolution, entitled, "Resolution, to authorize the grading of Chestnut and other Streets," with the following amendments, in which they ask concurrence.

Strike out all after the enacting clause and insert as follows:

"That the Highway Department is hereby authorized to advertise for proposals for grading Chestnut Street from Fortieth to Forty-second Streets, Handy Street from Walnut to Chestnut, and Walnut Street from Handy to Forty-second Street, in the 24th Ward, said contract to be awarded to the lowest bidder. *Provided*, That said grading shall be done in accordance with the established grades of said Streets."

Mr. Riley

Moved to concur in the amendment.

Mr. H. Miller

Moved to amend by adding to the Resolution, the words "Provided that the expense to the City shall not exceed the sum of $900.

The amendment was agreed to.

The amendments of Select Council as amended were concurred in.

Mr. Manuel

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Department of Highways are hereby directed to have inlets constructed at the corners of Master and Perth Street, and at corners of Perth and Jefferson Street. Also, at the corners of Perth and Thompson Street, with the culverts at Thompson and Perth Street, preparatory to the paving of said Streets in the Twentieth Ward.

Which was referred to the Committee on Highways.

Mr. Wetherill

Moved to proceed to the second reading and consideration of the amendments of Select Council to the Bill, entitled,

"AN ORDINANCE

declaring Broad Street, and other Streets stands for market wagons."

Which was agreed to.

The amendments were again read.

Mr. Mascher

Moved to postpone their further consideration for the present.

Which was agreed to.

Mr. Gordon

Read in his place, and presented to the chair a Bill, entitled,

"AN ORDINANCE

to pay for the uniform of the Reserved Police Corps."

Which was laid on the table, and ordered to be printed and placed on file.

A message was received from Select Council, informing Common Council, that the President of Select Council had appointed Wm. L. Hirst, of the City of Philadelphia, as one of the Commissioners to digest and report a municipal code, under the Ordinance approved March 2d, A. D., 1859.

Also, that they had concurred in the Resolution entitled "Resolution relative to Surveys in the City of Philadelphia."

Also, that they had concurred in the Resolution entitled "Resolution requesting the Governor to withhold his signature from a certain Passenger Railway Bill."

Also, that they had concurred in the Bill, entitled "a further supplement to an Ordinance entitled 'an Ordinance prescribing the powers and duties of the Receiver of Taxes,' Approved July 27, 1854."

Also, that they have concurred in the Bil, entitled "An Ordinance, supplementary to an Ordinance entitled, 'An Ordinance to locate Steam Fire Engines.'"

Mr. Gordon

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, March 21, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Andress,
Baird,
Brenan,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gordon,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McClean,
Megary,
Miller Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,

| | |
|---|---|
| Messrs. Simons, | Messrs. Wagner |
| Simon, | Walsh, |
| Smedley, | Wildey, |
| Thompson, | Wister, |

Trego, *President.*

Mr. W. Conrad,

From the Committee of Conference on the points of difference between the two Chambers, on the Bill, entitled,

"AN ORDINANCE

regulating Passenger Railways."

Together with a Resolution discharging the Committee from the further consideration of the subject. (*See Appendix, No.* 150.)

The Resolution was read a second time and adopted.

Council resumed the consideration of the Bill from Select Council, entitled,

"AN ORDINANCE

Supplementary to an Ordinance, entitled, 'An Ordinance to regulate Passenger Railways,' approved July 7, 1857

The First Section was again read.

Mr. Megary

Moved to amend by striking out the word "thirty," and inserting "fifty."

On this motion the yeas and nays were demanded by Messrs. Megary and O. Conrad.

And were as follows:

YEAS:—Messrs. Andress, Conrad Osborn, Cooley, Dickinson, Ellis, Gamble, Gordon, Holmes, Kelley, Megary, Nippes.

NAYS:—Messrs. Baird, Bowker, Bullock, Case, Cattell, Conrad William, Cooper, Day, Dennis, Eckfeldt, Enyard, Fish, Fisher, Fitler, French, Gay, Gheen, Hacker, Harbert, Heins, Hodgdon, Hutchinson, Jones, Kerr, Kersey, Ketcham, Krider, Luther, Mascher, McBride, Miller Geo. B., Miller Hiram, Moyer, Potter, Pugh, Savage, Server, Simon, Simons, Smedley, Thompson, Wildey, Wister, Trego, *President*.

Yeas, 11. Nays, 44.

Mr. Megary

Moved that the further consideration of the Bill be postponed for the present.

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was read.

Mr. Gordon

Moved to strike out the Proviso.

Which was not agreed to.

The Third Section was agreed to.

The Fourth Section was read.

Mr. Potter

Moved to amend by inserting the words "or repair" after the word "repave," where it first occurs, and the words "and repaving" after the word "paving," where it occurs in the second instance.

Which were agreed to.

The Fourth Section was agreed to.

The Fifth Section was agreed to.

The Sixth Section was agreed to.

The Title was read.

Mr. Gordon

Moved to amend by inserting after the words "An Ordinance," the words "providing for the regulation of Passenger Railways."

Which was not agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred with amendments.

Council resumed the consideratian of the "Resolutions authorizing certain Streets to be graded."

The third Resolution was again read and adopted.

The Title was adopted.

Mr. Smedley

Moved to proceed to the consideration of a message from Select Council informing Council that they had referred a Resolution entitled, "Resolution relative to the Fifth and Sixth Street Passenger Railway Company," to the Committee on Railroad, with instructions to report at the next meeting of Councils.

Which was agreed to.

The same gentlemen

Moved to concur.

Which was agreed to.

Mr. Hacker

Presented the following Communication:

*Philadelphia March 18th*, 1859.

*To the President and Members of Common Councils of the City of Philadelphia.*

GENTLEMEN:—I notice in the published proceedings of your body on the 17th inst. that Mr. Jones of the Committee on Police, submmitted a Resolution directing the City Solicitor to enter suit against me for money alleged to be in my hands belonging to the City, Mr. Mascher followed by a Resolution declaring the office I held vacant; Mr. Kelley said the reasons to him were ample for my removal.

These published statements, purporting to emanate from the individuals above named, are unwarranted by any facts. Until I saw this publication in the morning papers I was not aware that there had been any allegation, by any person to the effect that I was indebted to the City in any way, on the contrary my receipts from the City Tresurer, will speak for themselves, and I am ready always to pay any money that may be in my hands, due to the City at the time and place required by law. I have never received any notice directly or indirectly, of any meeting, or meetings of Committees in which my official acts were to be canvassed, and to be thus brought before the community upon exparte statements, without any pretence of hearing is, to say the least of it, unjust and bears upon its face malice against me, of the origin of which I am totally ignorant, and cannot account for, unless from some sinister motive.

All books or papers connected with any business I

have had with or for the City, are open to the inspection of any and all the members of Council at such times as they may think proper to call and examine the same. Can I not therefore trust, to the sense of right of your body to have this communication placed upon your records, and the Resolutions authorizing suit to be brought against me rescinded, that I may be heard upon any complaint before my reputation be thus wantonly assailed?

I need not say to you, that no man in the community would be safe from the assaults of his enemies, if an inquisition is to be established in our midst and a citizen condemned unheard, such proceedings are not in keeping with our laws, or the spirit of our institutions. I am no defaulter to the city, and I hereby ask for the appointment of a special Committee from your body, to make the closest scrutiny into all my official conduct.

I am, gentlemen,

Very respectfully,

JAMES B. FREEMAN.

And moved to refer the Communication to a special Committee of three members of this Council.

Mr. Bullock

Moved to amend by striking out "a special Committee &c.," and inserting "the Committee on Police."

Which was agreed to.

The motion as amended was agreed to.

Mr. Hacker

From the Committee on Finance presented an Ordinance, entitled,

"AN ORDINANCE

to provide for the payment of Police Magistrates." (*See Appendix, No.* 151.)

Which was laid on the table, ordered to be printed, and placed on file.

Council resumed the consideration of the Resolutions from Select Council, entitled, "Resolutions relating to Fairmount Park."

The Resolutions were read a second time.

The First Resolution was adopted.

The Second Resolution was adopted.

The Third Resolution was adopted.

The Fourth Resolution was adopted.

The Title was adopted.

So Common Council concurred.

Mr. H. Miller

Moved to proceed to the second reading and conideration of the Resolution from Select Council, entitled, "Resolution to lay water pipes in Columbia Avenue and other streets."

Which was agreed to.

The Resolution was again read.

Mr. Walsh

Moved to amend by adding "Christian Street from Eighteenth to Twentieth."

Which was not agreed to.

Mr. H. Miller

Moved to amend by striking out "Catharine Street from Broad to Seventeenth."

Which was agreed to.

The Resolution as amended was adopted.

So Common Council concurred with amendments.

Mr. Fish

Moved to resume the consideration of the amendments of Select Council to the Bill, entitled,

"AN ORDINANCE

declaring Broad and other streets stands for Market Wagons."

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Fourth Section was read.

Mr. H. Miller

Moved to amend by inserting after the wood "meats," the words "unless the same be the products of his or her own farm," and by striking out the word "butcher's."

The amendment was agreed to.

Mr. Wildey

Moved to further amend by adding after the words "City Treasurer," the words, "for the use of the City of Philadelphia."

Which was agreed to.

Mr. Gordon

Moved to further amend by adding the following as an additional Section.

SECTION 5, That the Commissioner of Markets shall

take the necessary steps, and he is hereby authorized to collect from each and every person occupying stands as herein provided, the sum of *three dollars* each, per annum.

Which was not agreed to.

So Common Council concurred with amendments.

Mr. Dennis

Read in his place and presented to the chair a Bill, entitled,

"AN ORDINANCE

to make an appropriation for the purposes therein mentioned." (*See Appendix, No.* 152.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

Mr. Kelley

Moved to amend by adding as

"Item 8, To high constable Alexander W. Blackburn for eminent services in organizing and superintending the 'Fire Detective Police,' three hundred dollars."

Mr. Bowker

Moved to refer the Bill to the Committee on Finance.

Which was not agreed to.

The amendment was not agreed to.

Mr. Dickinson

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

A message was received from Select Council informing Council, that they had received a report from the Committee on Law with a Resolution "relative to the fees charged by Coroner Delavau for burials," which they have passed, and ask concurrence.

Mr. Wister

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Resolution was read a second time.

Mr. Gordon

Moved to postpone the further consideration of the Resolution for the present.

Which was agreed to.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, March 24, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Brown,
Bullock,
Case,
Cattell,
Comly,
Conrad, Osborn,
Conrad, William,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fitler,
French,
Gillingham,
Gamble,
Gay,
Gheen,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,

| | |
|---|---|
| Messrs. Riley, | Messrs. Smedley, |
| Roats, | Thompson, |
| Rothermel, | Uber, |
| Rubicam, | Walsh, |
| Savage, | Wetherill, |
| Server, | Wildey, |
| Simons, | Trego, *President.* |

Mr. Brenan

Presented a Petition asking that a Fire Alarm Signal Box may be placed in the Franklin Engine House.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Mingle

Presented a Petition asking that the operation of the Ordinance removing the market houses from Market Street may be postponed for a limited time.

Which was referred to the Committee on Markets.

Mr. Heins

Presented a Petition for an appropriation to enable the Nicetown Hose Company to purchase a Hook and Ladder Apparatus.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Dennis

Presented a Petition of J. Washington Royer, for repayment of $26 26, paid twice for water pipe.

Which was referred to the Committee on Claims.

Also,

A Petition of W. L. Hirst and Edward Olmstead, Commissioners to revise the Municipal Code, asking for a transfer of $200 for Clerk hire.

Which was referred to the Committee on Finance.

Also,

A Petition for repaving Andress Street.

Which was referred to the Committee on Highways.]

Mr. Fish

Presented a Petition from the Resolution Hose Company, asking to be admitted into the Fire Department.

Which was referred to the Committee on Trusts and Fire Department.

Mr. H. Miller

Presented a Petition for water pipe in Wallace Street between Twenty-first and Twenty-second.

Which was referred to the Committee on Water Works.

Also,

A Petition for paving the same.

Also,

A Petition for paving Twenty-fourth Street, from Coates Street to Pennsylvania Avenue.

Mr. Morris

Presented a Petition for widening Vienna Street from Girard Avenue to Belgrade Street.

Mr. Jones

Presented a Petition for a bridge over Norristown Railroad at School Lane.

Which were referred to the Committee on Highways.

Mr. Morris

Presented a Remonstrance against a culvert in Emerald Street south of York Street.

Mr. Hutchinson

Presented a Petition for culverts on Broad, Prime, and Carpenter Streets.

Which were referred to the Committee on Surveys.

Mr. Haas

Presented a Petition for widening Thorpe's Mill Road, in the Twenty-second Ward.

Which was referred to the Committee on Highways

Mr. Morris

Presented a Petition for curbing and paving of Coral Street from Frankford Road to Somerset Street.

Also,

A Petition to pave Seventh Street from Columbia Avenue to Germantown Road.

Which were referred to the Committee on Highways.

Mr. Gay

Presented a Petition for water pipes on American Street between Jefferson and Oxford Streets.

Which was referred to the Committee on Water Works.

The President

Submitted the following Communication:

*Philadelphia, March* 24, 1859.

*To the President and Members of*
*Common Council of the City of Philadelphia.*

GENTLEMEN:—On the evening of the 22d inst., I received the following telegraphic dispatch:

*Lock Haven, March* 8, 1859.

To CHARLES OAT:

Some two or three rafts of timber are on their way here, said to be off the City Lands. Shall I replevin them? Will you give bond? Answer immediately.

SAMUEL LINN.

Not being willing to assume the responsibility without some advice, and not being able to find Mr. H. T. King at that time, I left it rest till morning, when I seen him early and laid the matter before him, and concluded after a consultation to send the following, which I did before 9 o'clock, A. M., of the 23d.

*Philadelphia, March* 23, 1859.

SAMUEL LINN, Esq.,

Attorney at Law at Lock Haven.

If you think there is a reasonable probability of succeeding in the replevin suits to recover the rafts of timber from the Boudinot Lands, bequeathed to the City in Trust, you will please proceed, and I will become bondsman in my official capacity for the City. Your excellent judgment is invoked.

CHARLES OAT,

*Superintendent of Trusts.*

Hoping my action in the premises may meet the approbation of your honorable body, I respectfully ask you to sanction my proceeding, and remain,

Your obedient servant,

CHARLES OAT,

*Superintendent of Trusts.*

The following message was received from the Mayor.

MAYOR'S OFFICE,
*Philadelphia, March* 17, 1859.

*To the President and Members of the*
*Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 19th inst. "A Resolution requesting the Governor to withhold his signature from a certain Passenger Railway Bill."

On the 19th inst. "A Resolution removing the suspension of the West Philadelphia Hose Company."

On the 19th inst. "An Ordinance authorizing the construction of a certain culvert in the Nineteenth Ward."

On the 22nd inst. "An Ordinance to make an appropriation to defray expenses in the removal of certain Telegraph Boxes, and the extension of the Telegraph, and introduction of the same in the Steam Fire Engine Houses."

On the 23rd inst. "An Ordinance to make an appropriation to the Department of the City Commissioners to pay dificiencies for the year 1858."

On the 23rd inst. "An Ordinance to extend the term of the lease of Alleghany Avenue Wharf."

On the 23rd inst. "A Resolution to release certain property of Armstrong J. Flomerfelt from the lein of a certain judgment."

On the 23rd inst. "A Resolution directing the revision of grades in the Twenty-fourth Ward."

On the 24th inst. "A Resolution relative to surveys in the City of Philadelphia."

On the 24th inst. "A further supplement to an Ordinance entitled, 'An Ordinance prescribing the powers

and duties of the Receiver of Taxes,' approved July 27, 1854.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Bullock

Offered the following

# Resolution:

Resolution relative to timber taken from the Boudinot lands.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the acton of Charles Oat, Supertendent of Trusts, in the matter of the replevin of certain rafts said to have been cut from the timber on the Boudinot lands, be and the same is hereby approved.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Walsh,

On leave, presented a Petition for laying water pipes on Christian Street, from Eighteenth to Twentieth Street.

Which was referred to the Committee on Water Works.

Mr. Manuel

Read in his place, and presented to the Chair a Bill entitled,

"AN ORDINANCE

to provide for the care and management of and to organize a Department for lighting extinguishing cleansing and the repair of the public lamps of the City of Philadelphia." (*See Appendix, No.* 153.)

Which was laid on the table, and ordered to be print- and placed on file.

Mr. Potter

Read in his place, and presented to the Chair a Bill entitled,

"AN ORDINANCE

to make an appropripriation to the Rosine Association." (*See Appendix, No.* 154.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was again read.

Mr. Dennis

Moved to amend by adding the following:

The interest theref to be paid to said Association, until they shall purchase a lot of ground, and erect thereon a building for the use of said Association, and in case said ground, shall not be purchased and said building erected, the said sum of $1,500 shall revert to the City.

Which was agreed to.

The first Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Potter

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer

Moved to proceed to the consideration of the Bill entitled,

"AN ORDINANCE

to make an appropriation to the Fire Department for the year 1859, and to pay claims incurred during the year 1858," returned with objections by the Mayor.

Which was agreed to.

The question being shall the Bill pass notwithstanding the objections of the Mayor.

The yeas and nays were ordered in conformity with law

And were as follows:

YEAS:—Messrs. Baird, Brennan, Bobb, Bowker, Cattell, Comly, Conrad William, Cooley, Day, Dennis, Doerr, Dickinson, Ellis, Fish, Fisher, Fitler, French, Gay, Gheen, Gordon, Hacker, Hunter, Hutchinson, Kelley, Kerr, Krider, Luther, Manderfield, Mascher, McBride, Mingle, Morris, Moyer, Pugh, Roats, Server, Simons, Smedley, Steelling, Thompson, Walsh, Wildey, Trego, *President.*

NAYS:— Messrs. Bullock, Gamble, Gillingham, Haas, Heins, Jones, Kelton, Kersey, Manuel, Uber.

Yeas, 43. Nays, 10.

So the Bill passed finally.

Mr. Bullock

Offered the following

## Resolution:

To authorize a transfer of Contract.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be, and he is

hereby authorized and directed to insert the name of William Hutchinson in the place of H. A. Bennett, as partner with John T. Prall, contractors for constructing the Branch Culvert from Pennsylvania Avenue, on Brown, Twenty-seventh, Parrish, and Twenty-fifth Streets. *Provided*, The security offered by said Hutchinson can be made satisfactory.

And moved to proceed to the second reading and consideration of the same

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis

Offered the following

## Resolution:

To authorize the City Solicitor to enter satisfaction on a certain Mortgage.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be authorized and requested to enter satisfaction on the record of a certain mortgage, recorded in the office for Recording Deeds, &c., for the City and County of Philadelphia, in mortgage book R. D. W. No. 62, page 126, &c., upon the payment of the principal thereof, and all interest and costs in full.

And moved to proceed to the second reading and consideration of the same

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Bowker

Offered the following

## Resolution:

Relative to the place of voting in the 3rd. Division of the Twenty-first Ward.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That so much of a Resolution changing the place of holding the election in the third Division of the Twenty-first Ward, approved October 29, 1858, be, and the same is hereby repealed.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Jones

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Highway Department be instructed to grade Indian Queen Lane, provided that the expense does not exceed the sum of six hundred dollars.

Which was referred to the Committee on Highways.

A message was received from Select Council informing Council that they had passed a Resolution, directing the Superintendent of Girard Estate to draw a warrant for the purpose named, in which they ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was agreed to.

So Common Council concurred.

Mr. Bobb

Presented a communication from Joseph Harrison, Jr., urging the exposure at public sale of the privileges of constructing Passenger Railways in the streets of the City, together with the recommendation of its passage by numerous citizens.

And offered the following.

## Resolution:

Approving the memorial of Jos. Harrison, on the subject of City Passenger Railways.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the memorial of Joseph Harrison meets the approval of these Councils, and that a Joint Committee of three from each Chamber be appointed to take such measures as they may deem expedient, to promote its acceptance by the Legislature.

Mr. Kelley

Moved to refer the Resolution, together with the Communication, to the Committee on Railroads.

Which was not agreed to.

The question recurring on the Resolution, the yeas and nays were demanded by Messrs. Kelley and Wildey.

And were as follows:

YEAS:—Messrs. Bobb, Bullock, Comley, Cooley, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Gamble, Gay, Gordon, Haas, Hacker, Harbert, Hodgdon, Jones, Kelton, Kersey, Ketcham, Manderfield, Manuel, McBride, Megary, Miller Hiram, Mingle, Moyer, Potter, Pugh, Roats, Simons, Trego, *President*.

NAYS:—Messrs. Brenan, Conrad Osborn, Doerr, French, Gheen, Gillingham, Harmer, Heins, House, Hunter, Kelley, Kerr, Krider, Luther, Morris, Nippes, Riley, Savage, Server, Smedley, Steelling, Thompson, Walsh, Wildey.

Yeas, 32. Nays, 23.

So the Resolution was adopted.

And the President appointed Messrs. Wetherill, Bobb, and Gordon, on said Committee, on the part of this Council.

A Message was received from Select Council, informing Council that they had passed a Bill, entitled, "An Ordinance declaring the consent of Councils to the construction of the Central Passenger Railway," in which they ask concurrence.

Mr. Hacker

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First and only Section was again read.

Mr. Steelling

Moved to amend by inserting after the word "Chesnut," the words, "Walnut or Spruce."

Which was not agreed to.

The Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules, and read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

Mr. Fish

From the Committee on Markets, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Market Houses to remove the market houses west of Broad Street.

Together with Resolutions, entitled, "Resolutions directing the Commissioner of Markets to advertise for proposals for removing the market houses west of Broad Street." (*See Appendix, No.* 155.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Fish

Moved to suspend the rules and read the Bill a third time by its Title.

On this motion the yeas and nays were demanded by Messrs. Dickinson and Gordon.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Bul-

lock, Cattell, Conrad Osborn, Conrad William, Doerr, Eckfeldt, Fish, French, Gheen, Gillingham, Hacker, Harbert, Heins, House, Kelley, Kelton, Ketcham, Luther, Manderfield, Manuel, Megary, Miller Geo. B., Morris, Pugh, Riley, Roats, Savage, Server, Smedley, Steelling, Thompson, Uber, Walsh, Trego, *President.*

NAYS:—Messrs. Comley, Cooley, Dickinson, Ellis, Fisher, Gamble, Gay, Gordon, Haas, Handy, Hodgdon, Hunter, Jones, Kerr, Krider, McBride, Miller Hiram, Moyer, Nippes, Potter, Wildey.

Yeas, 37. Nays, 21.

Two-thirds not having voted in the affirmative, the motion was not agreed to.

Mr. Fish

Moved to proceed to the second reading and consideration of the Resolutions accompanying the Report.

Which was agreed to.

Mr. Wildey

Moved to re-commit the Resolutions, together with the Report, to the Committee on Markets.

Which was not agreed to.

Mr. Hacker

Moved to postpone the further consideration of the Resolutions for the present.

Which was agreed to.

Mr. Wetherill

Moved that the clerk be instructed to request Select Council to return the Bill entitled,

"AN ORDINANCE

declaring the consent of Councils to the construction of

the Central Passenger Railway," for the purpose of correcting a clerical error therein.

Which was agreed to.

A message from Select Council was received, informing Council that they had complied with the request of Common Council to return said Bill, and the Bill was accordingly returned.

Mr. Wetherill

Moved that the action of this Council concurring in said Bill, be reconsidered for the purpose of special amendment.

Which was agreed to.

The same gentleman

Moved that the Chamber dispense with going into Committee of the Whole.

Which was unanimously agreed to.

M. Wetherill

Moved to amend the proviso by striking out the words "this Ordinance shall go into effect, the said Central Passenger Railway Company shall execute," and insert as follows:

"The said Central Passenger Railway Company shall commence building their road they shall execute."

Which was unanimously agreed to.

The First and only Section of the Bill as amended was agreed to.

The Title was agreed to.

The rules were suspended, and the Bill read a third time by its Title, and passed.

So Common Council concurred with an amendment.

Council resumed the consideration of the Resolutions directing the Commissioner of Markets to advertise for proposals for removing the Market Houses west of Broad Street.

A message was received from Select Council, informing that they have concurred in the Bill entitled "An Ordinance to create a loan for the further extension of the Philadelphia Gas Works."

Also, that they have concurred in the Bill entitled, "An Ordinance to repeal a part of Section 2, of an Ordinance entitled, 'An Ordinance relating to Second Street Market Place,' passed Sept. 27th, 1845."

Also, that they have received a report from the Committee on Law, with a Bill entitled, "An Ordinance to change the boundary lines of the 7th Division of the Twentieth Ward, and to create an additional Division in said Ward, and to establish a place of voting in said additional Division," which they have passed, and ask concurrence.

Also, that they have received a report from the Committee on Law, with a Resolution entitled, "Resolution to change the place of voting in the Seventh Division of the Fifth Ward," which they have passed, and ask concurrence.

Also, that they have received a report from the Committee on Water Works, with a bill entitled, "An Ordinance to authorize an extension of the Water Works, and to make an appropriation for paying for the same," which they have passed, and ask concurrence.

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of the City Commissioners, to pay deficiencies for the year 1858."

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, MARCH 31, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Cooley,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Messrs. House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McClean,
McDonough,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rothermel,
Rubicam,
Server,
Schoch,
Simons,

Messrs. Smedley,
Steelling,
Thompson,
Uber,
Wagner,
Walsh,
Wetherill,
Wildey,
Wright,
Trego, *President.*

Mr. Krider

Presented a Petition for the removal of the Third Precinct House, of the First Ward.

And on leave offered the following

## Resolution:

Changing the Place of Voting in the Third Division of the First Ward.

*Resolved*, By the Select andCommon Councils of the City of Philadelphia, That the elections for the Third Division of the First Ward shall hereafter be held at the Hotel of Thomas S. Mason, on the west side of Second street, below Wharton, in said Division.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Server

Presented a Petition for Gas Pipes in Anita Street, between Tenth and Eleventh.

Which was referred to Committee on Gas Works.

Mr. Brenan

Presented a Petition from the Diligent Hose Company, asking that the Signal Box at Broad and Race Streets be removed near their house.

Also,

A Petition for a Fire Alarm Signal Box near the house of the Marion Hose Company.

Which were referred to the Committee on Trusts and Fire Department.

Mr. G. B. Miller

Presented a Petition from Citizens of the Tenth Division of the Fourth Ward, asking that the place of voting may be changed.

And on leave offered the following

## Resolution:

Changing the Place of Voting in the Tenth Division of the Fourth Ward.

*Whereas*, The Precinct House of the Tenth Division of the Fourth Ward is unoccupied, therefore,

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Precinct House of the Tenth Division of the Fourth Ward be removed from the north-east corner of Broad and Rose Streets to the house of Robert Morrow, at the north-east corner of Broad and Shippen Streets.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was again read.

Mr. Mascher

Moved to refer the Resolution to the Committee on Law.

Which was not agreed to.

The Resolution was then adopted.

Mr. Kelly

Presented a Petition for the change of the name of McIlwaine Street to Saratoga Street.

Mr. Heins

Presented a Petition for the Paving of Pemberton Street, between Nineteenth and Twentieth Streets.

Which were referred to the Committee on Highways.

Mr. Luther

Presented a Petition for a Gas Lamp at the corner of Budd and Truxton Streets.

Mr. Wetherill

Presented a Petition for a Gas Lamp in a Court, near Race and 18th Streets.

Which were referred to the Committee on Police.

Mr. Harbert

Presented a Petition of J. C. Davis, for widening Spruce Street Wharf, on the Schuylkill.

Which was referred to the Committee on Wharves and Landings.

Mr. Luther

Presented a Petition of Wright & Hunter, for re-payment of a certain sum paid in error.

Which was referred to the Committee on Claims.

Mr. Wetherill

Presented a Petition from citizens of the 18th and 19th Wards, asking that a Steam Fire Engine may be located near the intersection of York Street and Frankford Road.

Which was referred to the Committee on Trusts and Fire Department.

The same gentleman

Presented a Remonstrance from Messrs. Colwell & Co., against the recent award of contracts for Water Pipes.

And offered the following

## Resolution;

Relative to Contracts for Water Pipes.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Committee on Water be instructed to inform Councils why, when proposals were invited for *all or any part* of the Water Pipe required by the Water Department, that the contract for the 30 inch pipe was not awarded to the lowest bidder, and that they be instructed not to enter into any contract until such information shall be furnished.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time.

Mr. Bullock

Moved to postpone the further consideration of the Resolution for the present.

Which was agreed to.

Mr. Dennis

Presented a Petition for the completion of the Bridge at Walnut and Forty-third Streets, in the Twenty-fourth Ward.

Which was referred to the Committee on Highways.

Mr. Gamble

Presented a Petition from the Empire Hook and Ladder Company, asking for an appropriation to re-pay them for Telegraph Apparatus.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Pugh

Presented a Petition, asking that the 2d and 3d stories of Spring Garden Hall, may be granted for the use of Schools of the 14th Section.

And moved to refer it to the Committee on City Property.

Mr. Gordon

Moved to substitute the Committee on Schools.

Which was agreed to.

Mr. Hutchinson

Presented a Petition for the paving of Kerr Street, in the 7th Ward.

Which was referred to the Committee on Highways.

Also,

A Petition for laying Water Pipes in the same Street.

Which was referred to the Committee on Water Works.

Mr. Gordon

Presented a Remonstrance against the removing of the Precinct house in the Tenth Ward.

Which was laid on the table.

Mr. H. Miller

Presented a proposition from Robert F. Shriner to remove the Market Houses from Market Street.

Which was referred to the Committee on Markets.

Mr. Gillingham

Presented a claim of Samuel Gillingham for money overpaid for laying water pipe on Alder Street below Girard Avenue, $8.

Which was referred to the Committee on Claims.

Mr. Hunter

Presented a Petition asking that the Bridge across the Reading Railroad at Old Front Street may be removed to New Front Street.

Mr. Wildey

Presented a Petition of similar import.

Mr. Smedley

Presented one of similar import.

Mr. Morris

Presented one of similar import.

Which were referred to the Committee on Highways.

Mr. Wildey

Presented a Petition for Market Houses in Girard Avenue between Ash and Cherry Streets.

Which was referred to the Committee on Markets.

Mr. Morris

Presented a Petition from the Cohocksink Hose Company, asking that said Company may be located as a Steam Fire Engine.

Which was referred to the Committee on Trusts.

Mr. Fisher

Presented a Petition for gas pipes on Girard Avenue between Tenth and Hutchinson Streets.

Which was referred to the Committee on Gas Works.

Mr. Eckfeldt

Presented a Petition for lamps at the corners of Twenty-first Street, Twenty-second and Master Streets.

Which was referred to the Committee on Police.

Mr. Cattell

Presented a Petition for the widening of Hedge St., Frankford.

Also,

A Petition for the grading of Forty-ninth Street, between Market Street and the Haverford Avenue.

Mr. Riley

Presented a Remonstrance from property owners against opening Fifty-fifth Street, Twenty-fourth Ward.

Which were referred to the Committee on Highways.

Mr. Riley

Presented a Petition for a Reservoir in the Twenty-fourth Ward.

Which was referred to the Committee on Water Works.

Mr. Uber

Presented a Petition for extending the Police and Fire Alarm Telegraph.

Which was referred to the Committee on Trusts and Fire Department.

Also,

A Petition for the extension of gas pipes on Tioga Street in the Twenty-first Ward.

Which was referred to the Committee on Gas Works.

The President

Submitted a Communication from the Clerks of the Water Department, asking for compensation for extra services.

Which was referred to the Committee on Water Works.

Also,

A Communication from the Quarantine and Sanitary Convention, inviting Councils to send a delegation to said body.

Which was referred to the Committee on Health.

Also,

The following Communication from the Mayor:

OFFICE OF THE MAYOR,
*Philadelphia, March 31st*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances have been approved and signed. Viz:

On the 26th inst., "An Ordinance to create a loan for the further extension of the Philadelphia Gas Works."

On the 26th inst., "An Ordinance to repeal a part of Section 2 of an Ordinance, entitled, 'An Ordinance relating to Second Street Market Place,' passed September 27th, 1845."

On the 30th inst., "An Ordinance to make an appropriation for the payment of certain Claims."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Hacker,

From the Committee on Finance, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation for the payment of various Claims against the City." (*See Appendix, No.* 156.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read,

Mr. Gordon

Moved to postpone its further consideration for the present.

Which was not agreed to.

Mr. Gordon

Moved to amend by adding the following as Item 6:

"6, To pay Beck's Band, $75 00. To pay Liberty Band, $50 00. To pay Columbia Band, $50 00. To pay Harmony Band, $50 00. (For services rendered to the City on the 5th of July, 1858.) Making a total of $225 00."

On this motion the yeas and nays were demanded by Messrs. Steelling and Mascher.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bullock, Case, Cooley, Dennis, Doerr, Dickinson, Eckfeldt, Fisher, Fitler, Gamble, Gordon, Haas, Hacker, Harmer, Hutchinson, Jones, Kelley, Krider, Luther, Manderfield, Manuel, McClean, McDonough, Megary, Mingle, Moyer, Potter, Pugh, Riley, Rothermel, Rubicam, Server, Schoch, Simons, Thompson, Uber, Walsh, Wister.

NAYS:—Messrs. Bobb, Bowker, Cattell, Ellis, Fish, French, Gay, Gheen, Gillingham, Handy, Harbert, Heins, Hodgdon, House, Kerr, Kersey, Mascher, McBride, Nippes, Smedley, Steelling, Wagner, Wetherill, Trego, *President.*

Yeas, 39. Nays, 24.

So the motion was agreed to.

The First Section as amended, was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Gordon

Moved to suspend the rules for the purpose of proceeding to the second reading and consideration of a Bill, entitled, "An Ordinance to authorize a loan for the erection of Public School Houses in the City of Philadelphia.

On this motion the yeas and nays were demanded by Messrs. Mascher and Fish.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Bullock, Case, Cattell, Cooley, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gamble, Gay, Ghenn, Gillingham, Gordon, Haas, Harmer, Heins, Hodgdon, House, Hutchinson, Jones, Kelley, Kerr, Kersey, Krider, Luther, Manuel, Mascher, McClean, McDonough, Megary, Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Rothermel, Rubicam, Server, Schoch, Simons, Smedley, Thompson, Uber, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

Yeas, 58. Nays, 0.

So the motion was agreed to.

The Clerk submitted to Councils copies of the newspapers in which the Ordinance had been published, according to law.

The First Section was again read.

Mr. Riley

Moved to amend, by adding after the words "erection of," in the fifth line, the words "and for additions to."

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was read.

On agreeing to the Title, the yeas and nays were demanded by Messrs. Gordon and Bullock,

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Brown, Bullock, Case, Cattell, Cooley, Cooper, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, House, Hutchinson, Jones, Kelly, Kersey, Krider, Luther, Manuel, M'Clean, McDonough, Megary, Miller Geo. B., Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam, Server, Schoch, Simons, Smedley, Thompson, Uber, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

NAYS:—Mr. Steelling.

Yeas, 64. Nays, 1.

So the Title was agreed to.

Mr. Gordon

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill the yeas and nays were ordered in conformity with law.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bobb, Bowker, Brown, Bullock, Case, Cattell, Cooley, Cooper, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hutchinson, Jones, Kelley, Kersey, Ketcham, Krider, Luther, Manuel, Mascher, McClean, McDonough, Megary, Miller

Geo. B., Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Roats, Rothermel, Rubicam, Server, Schoch, Simons, Smedley, Thompson, Uber, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

NAYS:—Mr. Steelling.

Yeas, 66. Nays, 1.

So the Bill passed.

Mr. Bullock

Moved to suspend the rules for the purpose of proceeding to the Second reading and consideration of the Bill, entitled, "An Ordinance to create a Loan by the issues of Certificates of Debt in payment of road damages."

Which was agreed to.

The Clerk submitted to Councils copies of the newspapers in which the Ordinance had been published, according to law.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to read the Bill a third time by its Title.

Which was agreed to.

On the final passage of the Bill, the yeas and nays were ordered in conformity with law.

And were as follows:

YEAYS:—Messrs. Baird, Brenan, Bobb, Bowker, Brown, Bullock, Case, Cattell, Cooper, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Fish, French, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Heins, Hodgdon, House, Hutchinson, Jones, Kelley, Kerr, Kersey, Ketcham, Krider, Luther, Manuel, Mascher, McBride, McDonough, Megary, Miller Hiram, Mingle, Moyer, Nippes, Potter, Riley, Roats, Rothermel, Rubicam, Server, Schoch, Simons, Smedley, Thompson, Uber, Wagner, Walsh, Wetherill, Wildey, Wister, Trego, *President.*

NAYS:—Mr. Cooley.

Yeas, 63. Nays, 1.

So the Bill passed.

Mr. Bullock,

From the Committee on Highways, presented a Report, with six Resolutions annexed, entitled,

1. "Resolution to authorize the Paving of Nineteenth and other Streets."

2. "Resolution to authorize the Paving of Prime Street."

3. "Resolution to authorize the Paving of Putnam Street."

4. "Resolution to authorize the Repaving and Tramwaying of Gilbert and other Steets.

5. "Resolutions to Grade certain Streets.

6. "Resolution to authorize Notice to be given for the Curbing and Paving of the Sidewalks of Lithgow and other Streets."

Together with a Bill, entitled, "An Ordinance to make an Appropriation to the Department of Highways,

Bridges, Sewers, and Cleansing the City, to pay Bills contracted by the Department for the years 1856, 1857, and 1858." (*See Appendix No.* 151.)

And moved to proceed to the second reading and consideration of the Bill accompanying the Report.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agred to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Moved to proceed to the second reading and consideration of the first Resolution accompanying the Report, entitled, "Resolution to authorize the paving of Nineteenth and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consi-

deration of the second Resolution, entitled, "Resolution to authorize the paving of Prime Street."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the third Resolution, entitled, "Resolution to authorize the paving of Putnam Street."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the fourth Resolution, entitled, "Resolution to authorize the repaving and tramwaying Gilbert and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the fifth Resolution, entitled, "Resolution to grade certain Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the sixth Resolution, entitled, "Resolution to authorize notice to be given for the curbing and paving of the sidewalks of Lithgow and other Streets."

Which was agreed to.

The Resolution was read a second time, and adopted.

The Title was adopted.

A Message was received from Select Council, informing Council that they had received a Report from the Committee on Water Works, entitled, "Resolution to authorize a contract to be made for Iron Pipes, Branches, Turns, &c., and Lead."

Which they had passed and ask concurrence.

Mr. Wetherill

Moved to refer the Resolution, together with the Report, to the Committee on Water Works, of this Chamber.

Mr. Gordon

Moved the previous question, seconded by Messrs. Case, Wetherill, Gillingham, Brenan, Megary, Ellis, Kersey, Kerr, Day, McDonough, Walsh, and Wister.

The question being, "shall the main question be now put."

It was agreed to.

The motion was agreed to.

Mr. Hacker

Moved that when Council shall adjourn, it will adjourn to meet on Tuesday afternoon next at 3 o'clock.

Which was agreed to.

Mr. Moyer

From the Committee on Trusts and Fire Department, presented a Report with a Resolution entitled a "Resolution removing the suspension of the Hibernia Fire Company." (*See Appendix No.* 158.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Hutchinson

From the Committee on Surveys and Regulations, presented a report with a Bill annexed entitled,

"AN ORDINANCE

relative to culvert assessment on the line of Twenty-fourth Street in the Fifteenth Ward." (*See Appendix, No.* 159.)

Which was laid on the table, and ordered to be printed.

Mr. Brown

From the Committee on Wharves and Landings, presented a report with a Resolution annexed, entitled a "Resolution to authorize the repair of certain wharves." (*See Appendix, No.* 160.)

And moved to proceed to the second reading and consideration of the Resolution

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Kelley

Offered the following

## Resolution:

*Resolved*, That the Committee on Highways be instructed to inquire into, and report to this Council, by what authority the Philadelphia, Wilmington and Baltimore Railroad Company have recently laid a second track of their road on Washington Avenue, between Second and Fourth Streets. And also by what authority the said Company have altered the grade of Third Street, where it crosses Washington Avenue; and also by what authority the said Railroad Company have taken away the paving stones heretofore laid on Washington Avenue, between Second and Fourth Streets, and replaced the same with a temporary laying of plank on said squares.

Which was referred to the Committee on Highways.

Mr. Hacker

Read in his place and presented to the chair a Bill entitled,

"AN ORDINANCE

making an appropriation to the Department of the City Controller for the purchase of a Fire Proof."

Which was referred to the Committee on City Property.

Mr. Manuel

Moved to refer the Bill entitled,]

"AN ORDINANCE

to provide for the care and management of, and to organize a department for the lighting, extinguishing, cleaning,

and the repair of the public lamps of the City of Philadelphia," to the Committee on Police.

Which was agreed to.

A message was received from Select Council, informing Council that they have concurred in the Resolution, entitled "Resolution to authorize the Grading of Lentz Street," with the following amendments, in which they ask concurrence.

Amend the Resolution at the end thereof, by adding as follows, to wit:

"And to grade Fisher Street, from Sixth to Seventh, Streets, in the First Ward, and to expend therein a sum not exceeding two hundred dollars."

Also, that they have received a Report from the Committee on Water, with a Resolution, entitled, "Resolution to lay Water Pipes in Christian and other Streets," which they have passed, and ask concurrence.

Also, that they have concurred in the Bill, entitled, "An Ordinance suplementary to an Ordinance, approved April 28th, 1858, entitled, 'An Ordinance to establish and regulate a Market in the late Borough of Frankford, Twenty-third Ward.'"

Also, that they have concurred in the Bill, entitled, "An Ordinance authorizing the construction of a Culvert on the line of Norris Street."

Also, that they have occurred in the Bill, entitled, "An Ordinance to grant the use of a Room to the Law Association, and to make an appropriation for fitting up the same."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the Paving of Noble Street."

Also, that they have concurred in the Resolution, en-

titled, "Resolution to authorize the Grading of certain Streets in the Twenty-fourth Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing Notice to be given for the Curbing and Paving Footways on certain Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize certain Streets to be Graded in the Twenty-fourth Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the Paving of Adams and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the Grading of certain Streets in the Twenty-third Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution removing the Suspension of the Hibernia Company."

Also, that they have concurred in the Resolution, discharging the Committee on Markets from the further consideration of the petition for making a Market Stand around the Pennsylvania Hospital."

Also, that they have concurred in the Amendments of Common Council to Select Council's Bill, entitled, "An Ordinance declaring Broad Street and other Streets stands for Market Wagons."

Also, that they have concurred in the Amendment of Common Council to the Bill, entitled, "An Ordinance supplementary to an Ordinance, entitled, 'An Ordinance to Regulate Passenger Railways'—approved July 7, 1857."

Also, that they have concurred in the Amendment of Common Council to Select Council's Amendment to Common Council's Resolution, entitled, "Resolution to authorize the Grading of Chestnut and other Streets.

Mr. Trego

Offered the following

## Resolutions:

Relative to the decease of Wm. Conrad, Esq.

*Whereas*, It has been announced to this Council, that Wm. Conrad, Esq., one of its members, from the Fourteenth Ward, suddenly departed this life on Monday evening, the 28th inst., in the sixty-third year of his age. Therefore,

*Resolved*. That by this affecting dispensation of Providence, we have lost a valued and esteemed member of Council, who was endeared to us by his many estimable qualities, and respected for his integrity of character and faithful devotion to his public duties.

*Resolved*, That as a Memorial of the respect which this Council entertains for the public and private character of the deceased member, these Resolutions shall be recorded in the Journal, and that Council will attend his funeral, and wear the customary badge of mourning for the usual time.

*Resolved*, That the Select Council, the Mayor and the Heads of Departments of the Municipal Government be invited to join in this token of respect to the memory of a worthy citizen and a faithful public servant; and that the Clerk be directed to make such arrangements as may be necessary on this melancholy occasion.

Which were seconded by Mr. Hacker, accompanied by an eloquent and touching tribute to the memory of the deceased.

And moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The Resolutions were again read.

Messrs. Wister, Potter, Luther, Fish, and Gordon, made chaste and appropriate remarks relative to the virtues and public services of the deceased.

The Resolutions were unanimously adopted.

Mr. Pugh

Moved to adjourn.

Which was agreed to.

And Council adjourned.

TUESDAY, April 5, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Brenan,
Bobb,
Bowker,
Bullock,
Case,
Conrad, Osborn,
Cooley,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
Fitler,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
Hutchinson,
Jones,
Kelley,
Kelton,
Kersey,
Ketcham,
Krider,
Luther,
Manuel,
Mascher,
McBride,
McIlvain,
Megary,
Miller, Hiram,
Morris,
Nippes,
Potter,
Pugh,
Riley,
Rubicam,
Savage,
Simon,
Smedley,
Steelling,
Thompson,
Wagner
Wildey,
Wister,
Trego, *President.*

The President

Submitted the following Communication:

HEALTH OFFICE,
*Philadelphia, March* 11, 1859.

*To the Select and Common Councils of the City of Philadelphia.*

GENTLEMEN:—In obedience with provisions of Sec-

tion 4 of an Ordinance, approved March 8th 1855, entitled an Ordinance to provide for gratuitus vaccination, the following report of Vaccine Physicians for the year ending January 28th, 1859 is pulished.

By order of the Board of Health,
WASH. L. BLADEN, *Clerk.*

REPORT OF CASES VACCINATED DURING THE YEAR, ENDING JANUARY 28, 1859.

| Ward. | NAMES. | Quarter ending April 28, '58. | Quarter ending July 28. | Quarter ending October 28. | Quarter ending Jan. 28, '59. | Total. |
|---|---|---|---|---|---|---|
| 1 | William C. Todd, M. D., | 13 | 19 | 9 | 7 | 48 |
| 2 | P. Heany, M. D., | 7 | 7 | 0 | 9 | 23 |
| 3 | John Geghan, M. D., | 6 | 0 | 0 | 7 | 13 |
| 4 | W. F. Patterson, M. D., (number of cases not given.) | | | | | |
| 5 | B. A. McNeil, M. D., | 8 | 0 | 0 | 10 | 18 |
| 6 | A. C. Bournonville, M. D., | 2 | 6 | 0 | 1 | 9 |
| 7 | M. W. Collet, M. D., | 10 | 9 | 8 | 6 | 33 |
| 8 | R. P. Harris, M. D., | 6 | 0 | 0 | 0 | 6 |
| 9 | A. Owen Stille, M. D., | 0 | 0 | 0 | 0 | 0 |
| 10 | Robert N. Downes, M. D., | 2 | 0 | 1 | 2 | 5 |
| 11 | J. L. Rihl, M. D., | 10 | 6 | 2 | 0 | 18 |
| 12 | James McFadden, M. D., | 4 | 2 | 0 | 0 | 6 |
| 13 | John Rheim, M. D., | 0 | 75 | 0 | 0 | 75 |
| 14 | Benj. Phister, M. D., | 5 | 0 | 8 | 11 | 24 |
| 15 | W. B. Small, M. D., | 50 | 8 | 4 | 3 | 65 |
| 16 | W. M. Handy, M. D., | 10 | 25 | 5 | 2 | 42 |
| 17 | W. O. Kline, M. D., | 39 | 23 | 30 | 1[illegible] | 93 |
| 18 | Charles Cady, M. D., | 3 | 0 | 12 | 0 | 15 |
| 19 | L. W. Langdon, M. D., | 3 | 20 | 5 | 8 | 36 |
| 20 | J. G. Stetler, M. D., | 0 | 17 | 4 | 3 | 24 |
| 21 | John Conry, M. D., | 7 | 4 | 14 | 1[illegible] | 40 |
| 22 | W. H. Squire, M. D., | 5 | 0 | 0 | 0 | 5 |
| 23 | Robert Burns, M. D., | 0 | 0 | 0 | 38 | 38 |
| 24 | J. E. Whiteside, M. D., | 11 | 0 | 9 | 7 | 27 |
| | | 192 | 221 | 111 | 139 | 663 |

Which was laid on the table

Also,

A Communication from Job R. Barry, remonstrating against his removal as one of the Engineers of the Water Works.

Which was referred to the Committee on Water Works.

Mr. Gordon

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That a Joint Special Committee of three from each Chamber be appointed to inquire and report without delay, by what authority the Mayor of the City caused or permitted the police force to be used by the Federal authorities in assisting to consign a free man to slavery, in the alleged fugitive slave case now pending in this City.

On this motion the yeas and nays were demanded by Messrs. Gordon and Heins.

And were as follows:

YEAS:—Messrs. Conrad, Dennis, Doerr, Dickinson, Ellis, Fish, Fisher, Gamble, Gillingham, Gordon, Haas, Hacker, Harmer, Heins, Hutchinson, Kersey, Manuel, Mascher, Miller Hiram, Nippes, Potter, Pugh, Rubicam, Wister, Trego, *President.*

NAYS:—Messrs. Brenan, Bobb, Bowker, Bullock, Case, Cooley, Day, Fitler, Gay, Gheen, Handy, Harbert, Hodgdon, Holmes, Jones, Kelley, Kelton, Ketcham, Krider, McBride, McIlvain, Megary, Morris, Riley, Savage, Simon, Smedley, Thompson, Wagner, Wildey.

Yeas, 25. Nays, 30.

So the motion was not agreed to.

Mr. Kelly

Moved to resume the consideration of "Resolutions directing the Commissioner of Markets to advertise for proposals for removing the market houses west of Broad Street."

Which was agreed to.

The First Resolution was again read.

On its adoption the yeas and nays were demanded by Messrs. Kelley and Fish.

And were as follows:

YEAS:—Messrs. Bobb, Bowker, Bullock, Conrad, Day, Fish, Gheen, Haas, Handy, Heins, Hutchinson, Kelley, Megary, Miller Hiram, Trego, *President*.

NAYS:—Messrs. Case, Cooley, Dennis, Dickinson, Eckfeldt, Ellis, Fisher, Fitler, Gamble, Gay, Gillingham, Gordon, Hacker, Harbert, Harmer, Hodgdon, Holmes, Kelton, Kersey, Ketcham, Krider, Manuel, Mascher, McBride, Potter, Pugh, Riley, Rubicam, Savage, Smedley, Steelling, Thompson, Wagner, Wildey, Wister.

Yeas, 15. Nays, 36.

So the motion was not agreed to.

The Second Resolution was again read.

Mr. Kelly

Moved to amend by adding the following to the end thereof:

"Said Market Houses to be reconstructed in accordance with specifications to be furnished by the Commissioner of Markets, under the supervision of the Committee on Markets, to correspond with the size, style, and other re-

quirements of the Market House on South Eleventh Street, between Fitzwater and Catharine Streets."

Mr. Gordon

Moved to postpone the further consideration of the question for the present.

Which was not agreed to.

Mr. Dennis

Moved to postpone the further consideration of the Resolution for the purpose of receiving a Report from the Committee on Water Works.

Which was not agreed to.

The Amendment was not agreed to.

Mr. Bullock

Moved to amend by adding the following:

"And also to advertise in the same manner for Proposals to remove and reconstruct the Market Houses in Market Street, from Eighth to Front Street, and in such places as may be designated by the Committee on Markets. The Market Houses from Sixth to Eighth Streets to be removed when the Market House on Tenth Street, below Market, shall be completed, and the remaining Market Houses to be removed when the Market Houses at Fifth and Merchant Streets shall be finished and ready for occupancy."

Which was not agreed to.

Mr. Cooley

Moved to amend by striking out all after the word "Philadelphia," and inserting the following:

"That the Commissioner of Markets be, and is hereby required to cause the material of all kinds contained in said buildings, and belonging to the City, to be exposed at public auction, sale and sold to the highest bidder—such sale to

take place on the 12th day of April next, 1859, and such material to be removed by the purchaser within thirty days thereafter."

Mr. Hacker

Moved to amend the amendment by striking out all after the enacting clause, and inserting as follows:

"That the Commissioner of Markets be and he is hereby instructed to advertise the material of the two Market Houses west of Broad Street, on Market Street, to be sold at public auction, on the 12th day of April, 1859,—the materials to be removed within 10 days after said sale; and to sell the materials of the Markets from Front to Eighth Street, in the same manner, on the 1st of May—to be removed at such time as may be designated by the Committee on Markets and the Commissioner of Markets."

Mr. Cooley

Accepted the Amendment.

The Amendment was not agreed to.

The Second Resolution was not agreed to.

Mr. Hacker

Read in his place and presented to the Chair a Bill, entitled,

"AN ORDINANCE

to make an appropriation for taking down and removing the Market Sheds in Market Street, and to dispose of the materials."

And moved that it be laid on the table and printed, and that it be made the special order of business for Thursday next, at 5 o'clock.

Mr. Wildey

Moved to amend by inserting the word "week" after Thursday.

Which was not agreed to.

On agreeing to the motion the yeas and nays were demanded by Messrs. Wildey and Gordon,

And were as follows:

YEAS:—Messrs. Cooley, Dennis, Doerr, Ellis, Eckfeldt, Fish, Fisher, Fitler, Gheen, Gillingham, Hacker, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Kelton, Kersey, Ketcham, Luther, McIlvain, Megary, Miller Hiram, Potter, Riley, Rubicam, Savage, Steelling, Thompson, Wagner, Wister, Trego, *President.*

NAYS:—Messrs. Bobb, Bowker, Haas, Manuel.

Yeas, 32. Nays, 4.

No quorum having voted the question was not decided.

Mr. Wister,

Seconded by Mr. Manuel, moved a call of the house when the following gentlemen answered to their names.

Messrs. Bobb, Bowker, Case, Conrad, Cooley, Dennis, Doerr, Ellis, Eckfeldt, Fish, Fisher, Fitler, Gamble, Gay, Gheen, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hogdon, Hutchinson, Jones, Kelton Ketcham, Krider, Luther, Manuel Mascher, McBride, McIlvain, Megary, Miller Hiram, Nippes, Potter, Pugh, Riley, Rubicam, Savage, Simon, Smedley, Steelling, Thompson, Wagner, Wildey, Wister, Trego, *President.*

A message was received, from Select Council informing Council that they had received a Report from the Committee on Water Works, with a Bill entitled, "An Ordinance to authorize an extention of the Water Works, and to make an appropriation for paying for the same," which they had passed, and ask concurrence.

Mr. H. Miller

Moved to proceed the second reading and cousideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. H. Miller

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed finally.

So Common Council concurred.

Mr. Ellis

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Committee on Girard Estates be instructed to inquire into the expediency of purchasing the twenty feet lot on Sixth Street above Brown, adjoining the new houses on Brown Street, belonging to the Girard Estate, with a view of enlarging the yards of said houses.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. H. Miller

From the Committee on Water Works of this chamber, to whom was referred the Report of the Joint Committee on Water Works, with a Resolution annexed entitled, "Resolution to authorize a contract to be made for Iron pipe, branches, turns, &c., and lead," presented a Report. (*See Appendix No.* 161.)

Mr. Bullock

Moved to resume the consideration of the Resolution reported by the Joint Committee on Water Works entitled, "Resolution to authorize a contract to be made for Iron pipe, branches, turns, &c., and lead."

Which was agreed to.

The Resolution was again read.

Mr. Wetherill

Moved to strike out Messrs. "J. W. & F. Starr" for thirty inch pipe, and insert "Colwell & Co.," and to strike out "$34 00," and insert "$33 82."

Which was not agreed to.

Mr. H. Miller

Moved to postpone the further consideration of the subject for the present, and that it be the special order for Thursday next at four o'clock.

Which was agreed to.

Mr. Dennis

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the

City of Philadelphia, That the Committee on Law be discharged from the further consideration of the petition of certain citizens of the Tenth Ward, asking for a change of the Division House of the first precinct of that Ward.

And moved to proceed to the second reading and consideration of the same

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Moved to resume the consideration of the Resolution referred to in the above Resolution, to wit:

## Resolution:

Changing the Place of Voting in the First Division of the Tenth Ward.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Division House, or place of holding elections in the First Division of the Tenth Ward, shall be changed to the house of George Hunt, at the corner of Cherry and Eighth Streets.

Which was agreed to.

The Resolution was again read.

Mr. Handy

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY, APRIL 7, 1859.

Council met.

Members present:

Messrs. Baird,
Bowker,
Brown,
Bullock,
Case,
Cattell,
Comly,
Conrad,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Ellis,
Eckfeldt,
Fish,
Fisher,
Fitler,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harmer,
Heins,
Hodgdon,
House,
Hunter,
Hutchinson,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Manderfield,
Manuel,
McBride,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Morris,
Moyer,
Nippes,
Pugh,
Riley,
Rubicam,
Savage,
Server,
Schoch,
Simons,
Smedley,

Messrs. Steelling, Messrs. Walsh,
Thompson, Wetherill,
Uber, Wildey,
Wagner, Wister,
Trego, *President.*

The President

Submitted the tenth quarterly statement of the Chief Engineer of the Fire Department, for the quarter ending March 31, 1859. (*See Appendix, No.* 162.)

Which was laid on the table.

Also,

A Communication from the City Controller in relation to an error in the appropriation to Alderman George Moore, recently passed by Councils. (*See Appendix, No.* 163.)

Which was referred to the Committee on Finance.

Also,

A Communication from the same in regard to certain overcharges of bills of the Guardians of the Poor. (*See Appendix, No.* 164.)

Which was referred to the Committee on Poor.

Also,

The following Communication:

CITY SOLICITOR'S OFFICE,
*Philadelphia, April* 7, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—In obedience to your Resolution of

Feb. 19th, possession of the upper stories of Spring Garden Hall has been obtained.

Respectfully yours,

HENRY T. KING,

*City Solicitor.*

Which was laid on the table.

Also,

A Communication from the City Solicitor, enclosing a statement of the Fairmount Passenger Railway, as filed in his office, in accordance with law. (*See Appendix, No.* 165.)

Which was laid on the table.

Also,

The following Communication:

OFFICE OF THE RECEIVER OF TAXES,
*April 7th*, 1859.

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—I would respectfully request that an appropriation of $2,023 50 be made to this Department for the payment of balance due for advertising the names of delinquent tax payers for the year 1858.

Very respectfully,

Your obedient servant,

A. I. FLOMERFELT,

*Receiver of Taxes.*

Which was referred to the Committee on Finance.

Also,

The following:

MAYOR'S OFFICE,
*Philadelphia, April* 7, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I return without my approbation, a Bill, entitled, "An Ordinance supplementary to an Ordinance, entitled, 'An Ordinance to locate Steam Fire Engines.'"

By the Ordinance approved February 21, 1859, to which the accompanying Bill is supplementary, sixteen Steam Fire Engines have been located as therein specified, which, when ready for service, will prove more than adequate to the wants of the community, independently of the co-operation of the large number of Hand Engines still in use.

Whether the location of each of these Fire Engines has been in every instance with due regard to relative position and to the necessities of their immediate neighborhood, can not now be questioned—but in the instance of one of the proposed additional engines, viz.: the America—there can be no valid plea of public advantage. The location of this Company, in Buttonwood Street below Third Street, is in close proximity to four Steam Engine Companies, two of which, the Northern Liberty Engine and the Northern Liberty Hose Companies, are within about three squares, and two others, the Vigilant Engine and the Independence Hose Companies, are about six squares distant.

If it is expedient to add to the number of Steam Fire Engines already located, there may be a propriety in designating therefore the three other companies named in this Supplementary Ordinance, but the attention of Councils is

directed to the increased annual expense which it is believed will thus needlessly be incurred.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Also,

The following:

MAYOR'S OFFICE,
*Philadelphia, April 7th*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 4th inst., "An Ordinance, authorizing the construction of a culvert on the line of Norris Street."

On the 4th inst., "An Ordinance, supplementary to an Ordinance approved April 28th, 1858, entitled, 'An Ordinance to establish and regulate a Market in the late Borough of Frankford, 23d Ward.

On the 6th inst., "A Resolution removing the suspension of the Hibernia Fire Company."

On the 6th inst., "A Resolution to authorize the grading of Chestnut and other Streets."

On the 6th inst., "A Resolution to authorize the paving of Adams and other Streets."

On the 6th inst., "A Resolution to authorize the grading of certain Streets in the 23d Ward."

On the 6th inst., "A Resolution to authorize the grading of certain Streets in the 23d Ward."

On the 6th inst., "A Resolution to authorize certain Streets to be graded in the 24th Ward."

On the 6th inst., "A Resolution to authorize a transfer of contracts."

On the 6th inst., "A Resolution authorizing notice to be given for the curbing and paving of footways in certain Streets."

On the 7th inst., "An Ordinance to grant the use of a room to the Law Association, and to make an appropriation for fitting up the same."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Also,

The following,

OFFICE OF THE MAYOR,
*Philadelphia, April 7th*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I herewith transmit for your consideration the annexed invitation received at this office on the 1st. inst.

Respectfully &c.,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

*Brooklyn, March 29th*, 1859.

To HON. MAYOR.

The undersigned, in behalf of the Common Council

of the City of Brooklyn, beg leave to tender to you and through you to the Common Council and other members of your City Government, a cordial invitation to unite with them and their fellow-citizens in the Celebration on the 27th of April, 1859, of the Introduction of Water into their City,

Yours, &c.,

JOHN MCNAMEE,
PETER G. TAYLOR,
THOMAS F. GREEN,
DANIEL MAUJER,
WM. M. MESEROLE,
*Special Committee. of the Common Council.*

P. S. An early response (directed to the City Clerk's office,) will much oblige the Committee.

Mr. Dickinson

Moved that the invitation be accepted.

Which was agreed to.

Also the following,

OFFICE OF THE MAYOR,
*Philadelphia April 7th*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—At a meeting of your body held on the 5th instant, a Resolution was placed on your Journal asking for an inquiry and report, "by what authority the Mayor of the City caused or permitted the police force to be used by the Federal authorities in assisting to consign a free man to slavery, in the alleged fugitive slave case now pending in this City."

Such resolution, under the guise of an inquiry, presents statements which are without truth, and, although not adopted by your Council, may perhaps, be deserving of notice.

On the 4th instant, the investigation of the case of an alleged fugitive slave was had before a Commissioner of the United States, in the United States Court House on Fifth below Chestnut Street. A large crowd was thereby gathered, and retained in the vicinity of the Court room, obstructing the public highway, and inducing reasonable apprehension of disorder and tumult.

I gave orders to the Chief of the Police to adopt such measures as might be needed for the prevention and suppression of any disturbance, riot, or other violation of law. These orders were promptly and efficiently carried out by him, under my own supervision, and a portion of the municipal police force was specially employed for the preservation of the public peace.

The officers of the United States required no assistance in the discharge of their appropriate duties.

I am not aware that any one of the municipal police rendered to them assistance within the United States Court House or elsewhere, except in temporarily providing access to the court room, which, although without my authority, has met with my approbation.

The laws of the State of Pennsylvania give ample authority to the Mayor of Philadelphia, and make it his duty, to employ the police force under his control for saving and protecting the City from tumult, disorder, or riot, as the emergency of each case may require, and *that* duty will be performed by me, without reference to popular sympathies or prejudices,

Yours respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Krider

Presented a remonstrace from Abel Jeanes, against a certain contract for paving, of Mr. McGlinsey.

Mr. Bullock

Moved to lay it on the table.

Which was agreed to.

Mr. Server

Presented a Petition for laying water pipes on Twenty-sixth Street in the First Ward.

Which was referred to the Committee on Water Works.

Also,

A Petition for Gas pipes in Maurice Street between Passyunk Road and Ninth Street.

Which was referred to the Committee on Gas Works.

Also,

A Petition for paving Twenty-sixth Street, in the First Ward.

Which was referred to the Committee on Highways.

Mr. Day

Presented a Petition of the Niagara Hose Company. that a Fire Alarm Signal Box, may be placed in their Hose House.

Which was referred to the Committee on Trusts.

Mr. Cooper

Presented a Petition for gas pipes in William Street in the Eighth Ward.

Mr. H. Miller

Presented a Petition for gas pipes on Twenty-third Street between Green and Spring Garden, and on Spring Garden between Twenty-third and Twenty-forth.

Which were referred to the Committee on Gas Works.

Mr. Heins

Presented a Petition of the Fairmount Hose Company asking that a Fire Alarm Signal Box may be placed in their house.

Also,

A Petition of similar import from the property-holders and citizens in the neighborhood.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Mingle

Presented a Communication from the Reliance Fire Engine Company asking for the removal of a Fire Alarm Box.

Which was referred to the Committee on Trusts.

Mr. Dennis

Presented a Petition of Yerkes Saurman for repayment of certain overpaid taxes.

Which was referred to the Committee on Claims.

Mr. Pugh

Presented sixty Petitions to grant the use of Spring Garden Hall for Public Schools.

Which was referred to the Committee oo Schools.

Also,

A communication from the Fairmount Hose Company asking that a Fire Alarm Signal Box may be placed in their house.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Hutchinson

Presented a proposal from McColom & Potts, to put up public hydrants in the Streets.

Which was referred to Committee on Water Works.

Mr. H. Miller

Presented a Petition for paving Twenty-first Street, from Spring Garden to Callowhill.

Also,

A Petition for paving Sixteenth Street, from Coates to Ridge Avenue.

Which were referred to Committee on Highways.

Mr. Riley

Presented a Petition to change the location of Forty-first Street, between Chestnut and Market Streets.

Which was referred to the Committee on Surveys.

Also,

A Petition for Public Lamps on Walnut, Oak, and Forty-second Streets, in the Twenty-fourth Ward.

Which was referred to the Committee on Police.

Mr. H. Miller

Presented a Communication from the Workmen of the Water Department, asking for an increase of their wages.

Which was referred to the Committee on Water Works.

Mr. Brown

Presented a Proposal from John F. Johnson, to remove the Markets from Market Street.

Mr. Wildey

Presented a Petition of Renters of Stalls in the Market

Houses on Market Street, asking that the time for removing the same may be extended.

Which was referred to the Committee on Markets.

Mr. Morris

Presented a Petition for the Removal of the 8th Precinct House, in the 19th Ward.

Which was referred to the Committee on Law.

The same gentleman

Presented a Remonstrance against paving Somerset Street, in the Nineteenth Ward.

Also,

A Petition to open Columbia Avenue, from Fifth to Sixth Streets.

Mr. Fitler

Presented a Petition for the opening of ditches on Broad Street, in the First Ward.

Mr. Savage

Presented a Petition for a small arched bridge on the Run south of Frankford Creek, on Powder Mill Lane.

Which were referred to the Committee on Highways.

Mr. Smedley

Presented a Petition for the removal of Pools of Stagnant Water on Tioga and Venango Streets.

Which was referred to the Committee on Health.

Mr. Manuel

Presented a Petition to Pave Perry Street, from Norris to Diamond Streets.

Which was referred to the Committee on Highways.

Mr. H. Miller

Presented a Petition for Water Pipes on Twenty-first Street, between Spring Garden and Callowhill Streets.

Which was referred to Committee on Water Works.

Mr. Hutchinson

Offered the following

## Resolution:

*Resolved*, That the Committee on Trusts and Fire Department be requested to inquire into the expediency of placing a Fire Alarm Box at the corner of Twenty-fourth and Spring Garden Streets, or in the House of the Independence Engine Company, Spring Garden Street, east of Twenty-Fourth Street.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Bullock,

From the Committee on Highways, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

To make an Appropriation for the Payment of a Claim for building Mill Creek Bridge, in the Twenty-Fourth Ward," together with five Resolutions, entitled,

1. "Resolution, authorizing the Grading of Shippen Street, from Twenty-first Street to Gray's Ferry Road."

2. "Resolution, authorizing the repairing of certain Streets with Tramway."

3. "Resolution to authorize the Widening of the Carriage-way of Hedge Street, in the Twenty-third Ward."

4. "Resolution to authorize the Paving of Trenton Avenue and other Streets."

5. "Resolution, authorizing notice to be given for the opening of Reed and Wharton Streets." (*See Appendix No.* 166.)

And moved to proceed to the Second reading and consideration of the Bill accompanying the Report.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a Third reading.

The same gentleman

Moved to suspend the rules and read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.]

The same gentleman

Moved to proceed to the second reading and consideration of the first Resolution, entitled, "Resolution authorizing the grading of Shippen Street, from 21st Street to Gray's Ferry Road."

Which was agreed to.

The Bill was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and considera-

tion of the second Resolution, entitled, "Resolution authorizing the re-paving of certain Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the third Resolution, entitled, "Resolution to authorize the widening of the carriage-way of Hedge Street, in the 23d Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the fourth Resolution, entitled, "Resolution to authorize the paving of Trenton Avenue and other Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the fifth Resolution, entitled, "Resolution authorizing notice to be given for the opening of Reed and Wharton Streets."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Hacker

From the Committee on Finance, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to authorize the Mayor to attend a sale and purchase certain property." (*See Appendix No.* 167.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was read.

Mr. Gordon

Moved to amend by adding the following as a proviso:

*Provided*, "That the said appropriation be paid out of a loan hereafter to be made."

Which was not agreed to.

The Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 53, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation for furnishing gas, and lighting, extinguishing, cleansing, and repairing the Public Lamps, and for the erection of new lamps, for the year 1859."

Which was not agreed to.

Mr. H. Miller

Moved to resume the consideration of the "Resolution to authorize a contract to be made for iron pipe, branches, turns, &c., and lead."

Which had been made the special order of the day at four o'clock.

Which was agreed to.

The Resolution was again read.

Mr. Wagner

Moved to recommit the Resolution to the Committee with instructions to advertise for new proposals.

Which was not agreed to.

The Resolution was adopted.

Mr. Hutchinson.

From the Committee on Surveys, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

authorizing the construction of certain culverts in the First Ward." (*See Appendix No.* 168.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read,

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hutchinson

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

The same gentleman

Presented a further report with a Resolution annexed, entitled "Resolution directing a revision of grades in the First Ward." (*See Appendix No.* 169.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report with a Resolution annexed entitled "Resolution authorizing line and grade surveys Twenty-first Ward." (*See Appendix No.* 170.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a futher Report from the same Committee with a Resolution annexed entitled "Resolution directing the Chief Engineer and Surveyor to draw certain warrants." (*See Appendix No.* 171.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report with a Resolution annexed entitled, "Resolution to revise the grade on Culvert St., Sixteenth Ward." (*See Appendix No.* 172.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis

From the Committee on Claims, presented a Report with a Bill annexed entitled,

"AN ORDINANCE

to provide for the payment of theC laims of Henry S. Tarr and others against the City." (*See Appendix No.* 173.)

And moved to proceed the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Dennis

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time, and passed.

Mr. Savage

From the Special Committee in regard to the disposal of the ammoniacal liquor at the gas works, presented a Report. (*See Appendix, No.* 174.)

Which was laid on the table, and the committee were discharged from the further consideration of the subject.

A message was received from Select Council informing Council that they had concurred in the Resolution entitled, "Resolution to authorize the paving of Norris and other Streets," with the following amendments, in which they ask concurrence.

Strike out, after the enacting clause, the words, "That the Department of Highways," &c., to the words "Norris Street," and insert as follows:

"That a majority of the property owners are hereby authorized to enter into a contract or contracts for the

paving of the following streets, with a competent paver or pavers, to be selected by the owners of property, or a majority thereof, on each street respectively, petitions having been presented for the same, signed by a majority of the owners, viz."

Also, to amend by inserting, after the words "shall," and before the words "enter" in the last clause of the Resolution, the words "first."

Mr. Bullock

Moved to non-concur.

Which was agreed to.

A message was received from Select Council informing Council that they had passed a Resolution entitled, "Resolution of thanks to B. Otis, for a portrait of William Bradford," in which they ask concurrence.

Mr. Handy

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

A message was received from Select Council informing Council that that they had insisted in their amendments to Common Council's bill entitled, "An Ordinance to make an appropriation to the Guardians of the Poor, to pay deficiency bills for the year 1858."

Mr. Hacker

Moved that this Council recede from its non-concurrence in the amendments of Select Council.

Which was agreed to.

So Common Council concurred in the amendments of Select Council.

Mr. Cattell

From the Special Committee on the division of the fifth precinct of the Twenty-fourth Ward, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to change the boundary lines of the 2nd, 5th and 6th, divisions of the Twenty-fourth Ward, and to create an additional division in said Ward, and to establish a place for voting in said additional division." (*See Appendix No.* 175.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Cattell

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Case

Offered the following

## Resolution

*Whereas,* The tax-payers of the City of Philadelphia

are entitled, under the 11th Section of the Act of Assembly of the 2d day of February, A. D. 1854, to an allowance of twelve per cent per annum, from the date of the payment of their respective taxes until the end of the year for which such taxes are assessed. *And whereas*, the said tax-payers are equitably entitled also to have an opportunity to pay their said taxes at the first of the year, and thereby avail themselves of the whole of said allowance. *And whereas*, the tax duplicates for the year 1859 have not yet been placed in the hands of the Receiver. Therefore be it

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Receiver of Taxes be, and he is hereby authorized and requested, immediately after the deposite of the said tax duplicates in his hands, to give public notice thereof, by publication for one week daily, in each of the daily newspapers of the City of Philadelphia, and that upon all taxes paid within thirty days after the deposite of the said duplicates in the office of the said Receiver, the same allowance shall be made as if the said duplicates had been duly prepared, and the said payments made on the first day of January, 1859.

And moved to refer the Resolution to a Special Committee of three from this Chamber.

Which was agreed to.

The President

Appointed Messrs. Case, Handy, and Hacker the Committee.

Mr. Morris

Offered the following

## Resolution:

To improve Norris Square, in the Nineteenth Ward.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Commissioner of City

Property is hereby authorized to employ a proper person or persons to improve Norris Square, and that the sum so expended shall not exceed the amount appropriated for that purpose.

Which was referred to the Committee on City Property.

A message was received from Select Council, informing Council that they had concurred in the "Resolution to authorize the Grading of Lentz Street," with the following amendments, in which they ask concurrence.

Amend the Resolution, at the end thereof, by adding as follows, to wit:

"And Grade Fisher Street, from Sixth to Seventh Streets, in the First Ward, and to expend therein a sum not exceeding two hundred dollars.

Mr. Bullock

Moved to concur in the amendment.

Which was agreed to.

So Common Council concurred.

Mr. Gay

Offered the following

## Resolution:

Relative to Placing Curb Stones in the Market Spaces in Lehigh Avenue.

*Whereas*, The owners of property on Lehigh Avenue, east of Franklin Avenue, have in contemplation the erection of a large number of buildings, and in order to operate to advantage ought to have the Water Pipes laid, and the Street Paved, and as the Avenue is 120 feet wide, and intended for Markets; therefore,

*Resolved*, By the Select and Common Councils, that

as many of the curb stones as may be suitable and required, that may be removed from Market Street Markets, be placed and set around the spaces in the centre of Lehigh Avenue, intended for Markets by the Department of Highways, they commencing at Frankford Avenue and going eastward.

Which was referred to the Committee on Highways.

Mr. Kerr

Read in his place and presented to the Chair a Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Department of Highways, &c., to pay certain Road Damages." (*See Appendix No.* 176.)

Which was laid on the table, and ordered to be printed and placed on file.

Mr. Gillingham

Offered the following

## Resolution:

*Resolved*, That the Chief Engineer of the Fire Department be and he is hereby directed to inform this Council, at its next meeting, why the Good Will and Fairmount Engine Companies were not immediately suspended from service, and reported to Councils for rioting, while returning from the fire at Sixth and Market Streets, on Sunday afternoon last, the 3d of April.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis

Read in his place and presented to the Chair a Bill, entitled,

"AN ORDINANCE

relating to the Public Highways." (*See Appendix No.* 177.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was read a second time.

Mr. Steelling

Moved to amend by inserting after the word "pavements" the words "from curb to curb."

Which was not agreed to.

Mr. Gay

Moved to insert after the word "City" the words "footways excepted."

Which was agreed to.

The Section as amended was agreed to.

The Second Section was read a second time, and agreed to.

Mr. Gordon

Moved to strike out all after the words "Section 3," and insert the following :

"That if any corporate body, or passenger or other railroad company, or their agents, contractors, or servants, shall violate the 1st Section of this Ordinance, the Mayor of the City is hereby authorized to use the Police force to prevent, by every means in his power, any such violation of this Ordinance."

Which was agreed to.

The Section as amended was agreed to.

Mr. Bullock

Moved to add the following as section four, to wit:

SECT. 4. That this Ordinance shall not be construed to prohibit or prevent the repairing of any street occupied by a Passenger Railway, laid by consent of Councils.

Which was agreed to.

The Title was agreed to.

Mr. Dennis

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Fitler

Offered the following

## Resolution:

*Whereas*, It is known that a large amount of money belonging to the City, collected from deliniquent tax-payers, is held by persons appointed to collect the same, who have for some time past made no return. Therefore be it

*Resolved*, That the Receiver of Taxes is hereby authorized to employ such assistants as may be necessary to ascertain the amounts so due, with a view to have such proceedings instituted as may be necessary for the collector of said sums.

Which was referred to the Committee on Finance.

Mr. Savage

Offered the following

## Resolution:

*Whereas*, It is the wish of citizens of Twenty-third Ward, that the Sheriff in issuing his Proclamation be instructed to name S. Berkman, Summerton House, as the place for voting, instead of Hoffman's "the present place of voting," as Berkman's was always the place of voting formally, but owing to the landlord of the Summerton House being sick, it was changed. Therefore,

*Resolved*, By the Select and Common Council of the City of Philadelphia, that the place of voting in the Twelfth Precinct, Twenty-third Ward, be changed from the place of voting from the House of Elijah Hoffman, to the Summerton Hotel kept by George Berkman.

Which was referred to a Special Committee, consisting of the members of Councils from the Twenty-third Ward.

Council resumed the consideration of the Resolution entitled, "Resolution to lay water pipes in Christian and other Streets.

The Resolution was read a second time and adopted.

The Title was adopted.

So Common Council concurred.

A message was received from Select Council inform-Council that they had passed a Bill entitled, "An Ordinance to repeal the proviso in an appropriation to the Board of Health," in which they ask concurrence.

Mr. Steelling

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Manuel

Moved to amend by adding the following at the end thereof:

"So far as it relates to the salaries of the Officers of the said Board, and the requiring of the Committee to sign Bills."

Which was not agreed to.

The question recurring on the first and only Section of the Bill,

It was not agreed to.

Mr. Riley

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Committee on Finance be, and they are hereby requested to report an Ordinance to create a loan for the erection of a Bridge across the Schuylkill river at Chestnut Street, agreeably to an Ordinance, approved November 20, 1858.

Which was referred to the Committee on Finance.

Council resumed the consideration of the Bill, entitled

"AN ORDINANCE

to change the boundary lines of the Seventh Division of the 20th Ward, and to create an additional division in said

Ward, and to establish a place of voting in said additional division."

Mr. Manuel

Moved to refer the Bill to a Special Committee, consisting of the member of this Council from the Twentieth Ward.

Which was agreed to.

Mr. Hacker

Moved to proceed to the second reading and consideration of Bill No. 62, on Common Council File, entitled,

"AN ORDINANCE

to make an appropriation for taking down and removing the Market Sheds on Market Street, and to dispose of the materials."

On this motion the yeas and nays were demanded by Messrs. Wildey and Dickinson.

And were as follows:

YEAS:—Messrs. Baird, Cattell, Cooper, Fisher, Gamble, Gheen, Gordon, Hacker, Heins, Hodgdon, Kelton, Kersey, Ketcham, Manderfield, McIlvain, Megary, Miller Geo. B., Riley, Rubicam, Savage, Schoch, Simons, Smedley Steelling, Thompson, Wagner, Wetherill, Wister.

NAYS:—Messrs. Bowker, Bullock, Case, Dickinson, Fish, Gay, Gillingham, Haas, Hunter, Kerr, Krider, Manuel, McBride, Moyer, Nippes, Pugh, Server, Wildey, Trego, *President.*

Yeas, 28. Nays, 19.

So the motion was agreed to.

The First Section of the Bill was again read.

Mr. Bullock

Moved to amend by striking out all after the enacting clause, and inserting as follows:

The Selcct and Common Councils of the City of Philadelphia, do ordain "that the sum of Twenty-seven thousand dollars, be, and the same is hereby appropriated to the Department of Market Houses to pay for taking down the Market Houses in Market Street, and reconstructing the same in such manner and at such places as may be decided upon by the Committee on Markets and approved by Councils."

On this motion the yeas and nays were demanded by Messrs. Hacker and Gordon.

And were as follows:

YEAS:—Messrs. Bowker, Bullock, Case, Fish, Fisher, Gamble, Gheen, Haas, Handy, Hunter, Krider, Manuel. Nippes, Pugh, Simons, Uber, Trego, *President.*

NAYS:— Messrs. Baird Cattel, Cooper, Dennis, Eckfeldt, Gillingham, Gordon, Hacker, Heins, Hodgdon, Hutchinson, Kelton, Kersey, Ketcham, Manderfield, McIlvain, Megary, Miller Geo. B., Riley, Rubicam Savage, Schoch, Smedley, Steelling, Thompson, Wagner, Wetherill, Wister.

Yeas, 17. Nays, 28.

No quorum having voted, the question was not decided.

A Message was received from Select Council, informing Council that they have received a Report from the Committee on Railroads, with a Bill, entitled, "An Ordinance relative to the Fairmount and Arch Street City Passenger Railway Company," which they have passed, and ask concurrence.

Also, that they have received a Report from the Committee on Schools, with a Bill, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools," which they have passed, and ask concurrence.

Also, that they have passed a Bill, entitled, "An Ordinance to make an appropriation to pay expenses incurred by the Joint Special Committee of Councils to inquire into the expediency of removing the present Almshouse," in which they ask concurrence.

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation for the payment of a claim for building Mill Creek Bridge in the Twenty-fourth Ward."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department of Highways, Bridges, Sewers, and Cleansing the City, to pay bills contracted."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Rosine Association," with the following amendment, in which they ask concurrence.

Amend Section 1 by striking out the words "the interest thereof to be paid to the said Association," and inserting the words "to be paid when."

Also, that they have concurred in the Bill entitled, "An Ordinance to make an appropriation for the payment of various claims against the City," with the following amendments, in which they ask concurrence.

Amend by striking out Item 6, as follows:

6. "To pay Beck's Band, $75. To pay the Liberty Band, $50. To pay the Columbia Band, $50. And to pay the Harmony Band, $50. (For services rendered to the City on the 5th of July. 1858.) Making a total of $225."

Also, amend appropriating clause, by striking out "Thirteen hundred and eighty-five," and inserting "Eleven hundred and sixty."

Also, that they have passed a Resolution, entitled, "Resolution relative to the Frankford and Southwark, Philadelphia City Passenger Railway Company," in which they ask concurrence.

Also, that they have received a Report from the Committee on City Property, with Resolutions, entitled, "Resolutions to remove certain restrictions, and granting the use of a portion of Fairmout Park to the Zoological Society of Philadelphia," which they have passed, and ask concurrence.

Also, that they have passed a Resolution entitled, "Resolution authorizing a temporary change of track for the N. Pennsylvania Railroad," in which they ask concurrence.

Also, that they have concurred in the Resolution, entitled, "Resolution approving the memorial of Jos. Harrison on the subject of City Passenger Railways."

Also, that they have concurred in the Resolution, entitled, "Resolution relative to timber taken from the Boudinot Lands."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize a transfer of contract."

Also, that they have concurred in the Resolution, entitled, "Resolution changing the place of voting in the Tenth Division of the Fourth Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution changing the place of voting in the Third Division of the First Ward."

Also, that they have concurred in the Resolution, entitled, "Resolutions authorizing certain streets to be graded."

Also, that they have concurred in the Resolution, entitled "Resolution to open Twentieth Street from Poplar to Parrish Streets."

Also, that they have concurred in the Resolution, entitled "Resolution to notify the owners of property on Lehigh Avenue, to grade and pave their footways."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize Moore and Norris Streets to be paved."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing the cleaning of Christian Street Dock."

Also, that they have concurred in the Resolution, entitled, "Resolution authorizing notice to be given for the curbing and paving of the sidewalks of Lithgow and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to grade certain Streets."

Also, that they have concurred in the Resolution, entitled "Resolution to authorize the repaving and tramwaying, Gilbert and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the paving of Putnam Street."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the paving of Prime Street."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the paving of Nineteenth and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to pay bill for repairing Reed Street Wharf."

Also, that they have concurred in the Resolution, entitled, "Resolution relative to the place of voting in the Third Division of the Twenty-first Ward."

And Council adjourned.

## TUESDAY, APRIL 12, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bowker,
Bullock,
Carson,
Case,
Cattell,
Comly,
Conrad,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Ellis,
Eckfeldt,
Enyard,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McDonough,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rubicam,
Savage,
Server,
Steelling,
Thompson,
Uber,
Wagner,
Wildey,
Wister,

Trego, *President.*

Mr. Heins

Presented a Petition for gas lamps at Twenty-second and Granville Streets.

Which was referred to the Committee on Police.

Mr. Thompson

Presented a Petition for gas pipes on German Street, from Third to Fifth Streets.

Which was referred to the Committee on Gas Works.

Council resumed the consideration of the Resolution, entitled, "Resolution to change the place of voting in the seventh Division of the Fifth Ward."

The Resolution was read a second time and adopted.

So Common Council concurred.

Council resumed the consideration of the Bill, entitled,

"AN ORDINANCE

to make an appropriation for taking down, and removing the market sheds on Market Street, and to dispose of the materials."

The question being upon the amendment of Mr. Bullock.

Mr. Kerr

Moved to refer the Bill together with the amendment, to the Committee on Markets.

On this motion the yeas and nays were demanded by Messrs. Kerr and Dickinson,

And were as follows:

YEAS:—Messrs. Bowker, Case, Comly, Conrad, Enyard, Haas, Handy, Jones, Nippes, Pugh, Wright.

NAYS: — Messrs. Baird, Brenan, Carson, Cooley, Cooper, Dennis, Doerr, Eckfeldt, Ellis, Fish, Fisher, Fitler, French, Gheen, Gillingham, Hacker, Harbert, Heins, Hutchinson, Kelley, Kelton, Kersey, Luther, Manderfield, Mascher, McDonough, Megary, Riley, Roats, Rubicam, Savage, Server, Thompson, Wagner, Walsh, Wister, Trego, *President.*

Yeas 11. Nays, 37.

So the motion was not agreed to.

The question recurring on the amendment, the yeas and nays were demanded by Messrs. Wildey and Kerr.

And were as follows;

YEAS:—Messrs. Bowker, Bullock, Carson, Conrad, Eckfeldt, Fish, Fisher, Haas, Jones, Kelley, Kerr, McDonough, Nippes, Pugh, Thompson, Wagner, Walsh, Wildey, Trego, *President.*

NAYS: — Messrs. Baird, Brenan, Cooley, Cooper, Doerr, Ellis, Enyard, Fitler, French, Gamble, Gheen, Gillingham, Hacker, Harbert, Heins, Hodgdon, Hutchinson, Kelton, Kersey, Luther, Manderfield, Mascher, Megary, Miller Geo. B., Riley, Roats, Rubicam, Savage, Server, Wister.

Yeas, 19. Nays, 30.

So the amendment was not agreed to.

Mr. Fish

Presented the following Communication:

WESTERN MARKET COMPANY,
*Philadelphia, April* 9, 1859.

To N. T. BAROUX, Esq.,

*Commissioner of Market Houses of the City of Phila.*

DEAR SIR:—The Western Market Company propose

to take down the two Market Houses west of Broad Street, complete, without unnecessarily destroying the material thereof, preserving it in good order, and remove the same, to a convenient lot owned by the City, that may by you be designated for the purpose,—and we hereby agree to take down and remove the aforesaid Market Sheds to the place so designated, on the 15th day of April, Anno Domino 1859, without cost or charge to the City of Philadelphia. The said Western Company incurring and paying the necessary charges thereof.

In witness whereof, we hereby annex the corporate seal of the Company, this the 9th day of April, 1859.

DAVID B. PAUL, *President.*

JAMES A. GOWIE, *Secretary.*

Mr. Kelley

Moved to postpone the further consideration of the Bill for the present, for the purpose of considering the proposal of the Western Market Company.

On this motion the yeas and nays were demanded by Messrs. Wildey and Dickinson.

And were as follows:

YEAS:—Messrs. Baird, Bowker, Bullock, Carson, Case, Comley, Conrad, Cooley, Cooper, Day, Dennis, Doerr, Dickinson, Eckfeldt, Ellis, Enyard, Fish, Fisher, Fitler, Gamble, Gay, Gillingham, Haas, Handy, Hutchinson, Jones, Kelley, Kerr, Krider, Luther, Manuel, Mascher, McDonough, Nippes, Pugh, Roats, Walsh, Wildey, Trego, *President.*

NAYS:—Messrs. Brenan, French, Gheen, Hacker, Harbert, Heins, Hodgdon, Kelton, Kersey, Manderfield, Megary, Miller Geo. B., Potter, Riley, Rubicam, Savage, Server, Wagner, Wister.

Yeas, 39. Nays, 19.

Mr. Fish

Read in his place and presented to the Chair, a Bill, entitled,

"AN ORDINANCE

to authorize the Commissioner of Markets to take down and remove the Market Houses on Market Street, between Fifteenth and Seventeenth Streets."

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Bill was again read.

Mr. Dennis

Moved to amend the Bill by adding the following at the end thereof,

"And the Commissioner of Markets is hereby further authorized to contract with any party or parties for the removal of the Market Houses between Eighth and Front Streets, upon the same terms, at such terms as the City Councils may hereafter direct."

Mr. Potter

Moved to strike out City Councils, and insert Committee on Markets.

Which was not agreed to.

The question recurring on the amendment, the yeas and nays were demanded by Messrs Mascher and Kelley.

And were as follows:

YEAS:—Messrs. Baird, Bullock, Carson, Cattell, Cooley, Dennis, Doerr, Eckfeldt, Fish, Fisher, Fitler,

French, Gheen, Gillingham, Haeker, Harbert, Heins, Hodgdon, Kelton, Kersey, Ketcham, Manderfield, Megary, Miller Hiram, Potter, Riley, Savage, Server, Wagner, Wister, Trego, *President*.

NAYS:—Messrs. Brenan, Bowker, Comley, Conrad, Cooper, Day, Dickinson, Enyard, Gamble, Gay, Haas, Handy, Jones, Kelley, Kerr, Krider, Luther, Manuel, Mascher, McDonough, Nippes, Pugh, Roats, Uber, Walsh, Wildey.

Yeas, 31. Nays, 26.

So the amendment was agreed to.

Mr. Kelly

Moved further to amend by inserting the following before the amendment first adopted:

*Provided*, "That said Commissioner of Markets be authorized to receive proposals for constructing two Market Houses from the materials so removed and other material that may be necessary to complete the same, on Eleventh Street, next South of those already constructed there, and report the same to Councils.

Mr. Bullock

Moved further to amend, by inserting after the words "take down and remove," the words, "under his direction."

Which was agreed to.

The First Section, as amended, was agreed to.

The Second Section was agreed to.

The Title was read.

Mr. Kelly

Moved to amend the Title by adding the words, "and for the sale of certain materials."

Which was agreed to.

The Title as amended, was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Hacker

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

On the final passage, the yeas and nays were demanded by Messrs. Wildey and Handy.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bullock, Carson, Cattell, Cooley, Cooper, Dennis, Doerr, Eckfeldt, Fish, Fisher, Fitler, French, Gheen, Gillingham, Haas, Hacker, Harbert, Heins, Hutchinson, Kelley, Kersey, Ketcham, Luther, Manderfield, Mascher, McDonough, Megary, Miller Hiram, Potter, Pugh, Riley, Roats, Rubicam, Savage, Server, Steelling, Uber, Wagner, Walsh, Wister, Trego, *President.*

NAYS:—Messrs. Bowker, Case, Comley, Enyard, Gamble, Handy, Jones, Krider, Manuel, Nippes, Wildey.

Yeas, 43. Nays, 11.

So the Bill passed.

Mr. H. Miller

Offered the following

## Resolution:

*Whereas,* By a Resolution of Councils approved on

the 10th day of December 1858, the Tobacco Warehouse was leased at public vendue to the highest bidder, being the Warehousing Company of Philadelphia, and whereas one quarter's rent has fallen due on the 1st inst., and remain unpaid the said Warehousing Comprny asserting that the Warehouse has not been fully placed in their posession, but parts of it still held by other parties under leases from the City, therefore

*Resolved*, That the Committee on City Property be directed to investigate the matter, and in conjuction with the City Solicitor, ascertain and settle the rights of the respective parties, and place the said Warehousing Company in full possession thereof.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Cooper

Moved to proceed to the second reading of the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Board of Controllers of Public Schools."

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Cooper

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Mascher

Moved to proceed to the second reading and consideration of the amendments of Select Council to the Bill, entitled,

"AN ORDINANCE

to make an appropriation for the payment of various claims against the City," to wit:

Amend by striking out Item 6, as follows.

"6. To pay Beck's Band, $75.

To pay the Liberty Band, $50.

To pay the Columbia Band, $50.

And to pay the Harmony Band, $50.

For services rendered to the City on the 5th of July 1858, making a total of $225.

Also,

Amend appropriating clause by striking out "thirteen hundred and eighty-five," and inserting "eleven hundred and sixty."

Which were agreed to.

The Amendments were again read.

Mr. Hacker

Moved to concur.

On this motion the yeas and nays were demanded by Messrs. Walsh and Kerr.

And were as follows:

YEAS.—Messrs. Carson, Comly, Conrad, Cooley, Eckfeldt, Ellis, Enyard, Fish, French, Gay, Gheen, Haas, Hacker, Handy, Harbert, Heins, Kelton, Kerr, Kersey, Krider, Manderfield, Manuel, Mascher, Nippes, Potter, Roats, Smedley, Steelling, Wagner, Trego, *President.*

NAYS.—Messrs. Baird, Bullock, Case, Cattell, Cooper, Day, Dennis, Doerr, Dickinson, Fisher, Fitler, Gamble, Gillingham, Hodgdon, Hutchinson, Kelley, Luther, McDonough, Megary, Miller George B., Pugh, Rubicam, Savage, Server, Thompson, Uber, Walsh, Wildey, Wister.

Yeas, 30. Nays, 29.

So Common Council concurred in the amendments.

Mr. Gamble

Moved to proceed to the second reading and consideration of Bill No. 61, on Common Council file, entitled,

"AN ORDINANCE

to provide for the payment of Police Magistrates."

Which was agreed to.

The First and only Section was again read.

Mr. Gamble

Moved to amend the same, by striking out the word "three" in line 8, and strike out the word "months" and insert "month" in line 9.

Also,

Insert after the word "City," in line 13, the words "to the City."

Which was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gamble

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Hacker

Moved to resume the second reading and consideration of the "Resolution, changing the place of voting in the first division of the Fourth Ward."

Which was agreed to.

The Resolution w s adopted.

Mr. Hacker

Moved to prefix thereto, the following Preamble, to-wit:—

*Whereas*, "The place of holding the elections in the first Division of the Tenth Ward is now vacant and closed, therefore."

Which was agreed to.

The Resolution as amended was adopted.

The Title was agreed to.

Mr. Hutchinson

Moved to proceed to the second reading and consideration of a Bill, entitled,

"AN ORDINANCE

to make an appropriation to pay Benjamin B. Thomas."

Which was agreed to.

The Bill was again read.

Mr. Wildey

Moved to postpone the further consideration of the Bill for the present, and that it be made the special order of the day for Thursday next, at 4 o'clock.

Which was agreed to.

Council resumed the consideration of the Resolutions of Select Council, entitled, "Resolutions to remove certain restrictions and granting the use of a portion of Fairmount Park to the Zoological Society of Philadelphia."

The Resolutions were read a second time and adopted.

The Preamble was adopted.

So Common Council concurred.

A Message was received from Select Council, informing Council that they had passed a Resolution, entitled, "Resolution authorizing a temporary change of track for the North Pennsylvania Railroad." In which they ask concurrence.

Mr. Bullock

Moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was again read.

Mr. Bullock

Moved to amend by striking out the last proviso and inserting,

"*Provided*, That the whole shall be done at the expense of said Railroad Company."

Which was agreed to.

The Resolution as amended, was adopted.

So Common Council concurred with an amendment.

Mr. Gamble

Moved to proceed to the second reading of amendments of Select Council to the Bill, entitled,

AN ORDINANCE

to make an appropriation to the Rosine Association."

Which was agreed to.

The amendments were again read and concurred in.

Mr. Wildey

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Commissioner of Markets be, and he is hereby authorized to receive Rent for the Stalls in the Market Houses on Market Street, between Front and Eighth Streets, until the same shall be vacated by Ordinance of Council.

Which was referred to Committee on Markets.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

## THURSDAY—April 14th, 1859.

Council met.

Members present:

| | | | |
|---|---|---|---|
| Messrs. | Baird, | Messrs. | Kelley, |
| | Brenan, | | Kelton, |
| | Bowker, | | Kerr, |
| | Brown, | | Kersey, |
| | Bullock, | | Ketcham, |
| | Case, | | Krider, |
| | Cattell, | | Luther, |
| | Conrad, | | Mascher, |
| | Cooper, | | McBride, |
| | Day, | | Megary, |
| | Dennis, | | Miller, Geo. B., |
| | Dickinson, | | Miller, Hiram, |
| | Eckfeldt, | | Mingle, |
| | Ellis, | | Moyer, |
| | Fish, | | Potter, |
| | Fisher, | | Pugh, |
| | Fitler, | | Riley, |
| | French, | | Roats, |
| | Gamble, | | Rothermel, |
| | Gay, | | Rubicam, |
| | Gheen, | | Server, |
| | Gillingham, | | Simons, |
| | Gordon, | | Smedley, |
| | Handy, | | Steelling, |
| | Harbert, | | Thompson, |
| | Harmer, | | Uber, |
| | Heins, | | Wagner, |
| | Hodgdon, | | Walsh, |
| | House, | | Wildey, |
| | Jones, | | Wister, |

Trego, *President.*

The President

Submitted the following Communication:

CITY CONTROLLER'S OFFICE,
*Philadelphia, April 14th*, 1859.

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—In an Ordinance entitled "An Ordinance to authorize a loan to construct certain culverts," there are questions which require some action of Councils to determine.

1st. The Ordinance says "the Mayor shall borrow &c., from time to time, as may be necessary," and then goes on to say "the principal of said loan shall be payable, and paid at the expiration of thirty years from the date of the same," meaning the date of the certificates.

By this reading of the Ordinance, this Department, and the debt of the Treasurer would be required to keep accounts with this loan, which would correspond with the dates of the certificates issued; and thus great and unnecessary labor and intricacy would be thrown into the accounts.

It was certainly the intention of Councils that the loan should all mature at the same time, but the Ordinance says, it shall mature in thirty years from the date of the certificates.

2nd. In the second Section of the Ordinance, it is provided that three-tenths of one per cent of the par value of such certificates so issued shall be appropriated, quarterly &c., If the words so issued are to be applied to the provisions of the first Section of the Ordinances, then it will be requisite to keep a sinking fund account with the certificates of each respective date, thus making much more additional labor, and an increase unneccessarily of the already numerous accounts of the City.

It is clear to my mind that Councils did not intend to throw unnecessary labor upon the Departments, and involve this loan with such intricacy; it is therefore most respectfully asked that Councils, shall take some action to interpret the Ordinance, so as to make the entire loan mature at the same time, and make an appropriation due to the sinking fund of the loan, on the date that the loan commences, so that the sinking fund, and the loan may run together.

Very respectfully yours,

GEORGE W. HUFTY,

*City Controller.*

Which was referred to the Committee on Finance.

Also,

The following Communication:

OFFICE OF THE CONTROLLERS OF PUBLIC SCHOOLS.
*Philadelphia, April 13th*, 1859.

At a Meeting of the Controllers of Public Schools, First District of Pennsylvania, held at the Controller's Chamber, on Tuesday, April 12th, 1859, the following Preamble and Resolution were adopted:

*Whereas*, a Preamble and Resolution has been presented to this Board from the Fourteenth Section, in relation to the wants of that Section for increased School accommodation, and

*Whereas*, the granting by Councils of the second and third stories of Spring Garden Hall, for a girl's Secondary and Grammer Schools, would in a great measure meet the wants, therefore,

*Resolved*, That a copy of the Preamble and Resolution from the Fourteenth Section, be forwarded to the Select and Common Councils, with the earnest request

of this Board, that the application for said Hall shall be granted.

ROBERT J. HEMPHILL,

*Secretary.*

To CHARLES B. TREGO, ESQ.

*President of Common Council.*

At a special meeting of the Board of School Directors of the Fourteenth Section, held Tuesday April 12th, 1859, the following Preamble and Resolution were unanimously adopted,

*Whereas*, there are at this time nearly 450 children whose names are entered upon the Register of the Fourteenth School Section, for whom no room can be found, and for whose education it is important that means should be immediately provided, and,

*Whereas*, the removal of the Monroe Girls' Grammer and Secondary Schools to the Spring Garden Hall, and the opening of schools of a lower grade in the buildings, which they at present occupy, would afford abundant facilities for the education of these children, and,

*Whereas,* such a use of the Hall meets with the general approbation of the people of this District, petitions to that effect having been already signed by over 2,000 of our citizens, to be presented to Councils, therefore,

*Resolved*, that the Controller be instructed to present to the Board of Controllers this Preamble with a Resolution, asking from Select and Common Councils that the second and third stories of the Spring Garden Hall may be transferred to the Board of Controllers, to be fitted up and furnished by them for the use of the Monroe Girls' Grammer and Secondary Schools.

(Signed,) G. S. PARKER,

*President.*

(Attested,) JAMES R. GARRIGUES,

*Secretary.*

Which was referred to the Committee on Schools.

Also,

The following Communication:

OFFICE OF THE GUARDIANS OF THE POOR }
*Philadelphia, April 14th*, 1859. }

*To the Select and Common Councils*
*of the City of Philadelpha.*

GENTLEMEN:—Hereunto annexed please find Bills Nos. 1 and 2, due the Pennsylvania State Lunatic Hospital for board of patients sent there by order of Court, we are informed that it is the duty of the City Commissioners to pay the Bill, the Bill however as you will see is charged to our Department; as we have no Item of appropriation to pay them, we respectfully submit them to your consideration. If an appropriation is made to bring them (the patients) to our Institution from Harrisburg it will avoid any bills in the future, after the account to date of removal is paid to the said John A. Weir, Treasurer of the Pennsylvania State Lunatic Hospital, Harrisburg.

Yours respectfully,

ISRAEL R. DEACON,
*Secretary.*

Payment in advance for twenty-six weeks is required at the time of admission from the Counties and Townships; quarterly in advance afterwards. The amount of the bill to be remitted to John A. Weir Treasurer, Harrisburg.

*Guardians of the Poor of Philadelphia.*

To Penn'a State Lunatic Hospital, Dr.

| | | |
|---|---|---|
| 1858. | | |
| Sept. 8, To 26 weeks board of J. Garretson, | $65 | 00 |
| Oct. 1, To 2 pair socks' - - - | 00 | 75 |
| | 65 | 75 |
| July 7, To 26 weeks board of E. Woodruff, | 65 | 00 |
| Sept. 24, To clothing, - - - | 3 | 00 |
| | 133 | 75 |

I will draw on you for the above amount through the Farmers' and Mechanics' Bank, Philadelphia, and hope you will meet it promptly.

Yours,

JOHN A. WEIR,

*Treasurer.*

Payment in advance for twenty-six weeks is required at the time of admission from the Counties and Townships; quarterly in advance afterwards. The amount of the bill to be remitted to John A. Weir Treasurer, Harrisburg.

*Guardians of the Poor of Philadelphia.*

To Penn'a State Lunatic Hospital, Dr.

| | | |
|---|---|---|
| 1858. | | |
| Sept. 8, To 26 weeks board, &c., of Jos. Garretson, | 65 00 | |
| Oct. & Dec. To clothing furnished, - - | 3 00 | |
| 1859. | | |
| Mar. 9, To 13 weeks board, &c., - - | 32 50 | |
| | | 100 50 |
| 1858. | | |
| July 8, To 26 weeks board, &c., of E. Woodruff, - - - | 65 00 | |
| Sept. To clothing furnished, - - | 3 00 | |
| Dec. 16, To " " - - | 3 68 | |
| Jan. 7, To 13 weeks board, &c., - - | 32 50 | |
| Jan. 8, To clothing, - - | 8 88 | |
| | ——— | 113 06 |
| | | 213 56 |

I would like to hear from you soon.

JOHN A. WEIR,

*Treasurer.*

Which was referred to the Committee on Finance.

Also,

The following Communication :

*To the President and Members of Common*
*Council of the City of Philadelphia.*

*Philadelphia, April* 13, 1859.

GENTLEMEN :— You are respectfully invited to be present at the opening of the present season by the Schuylkill Navy, on Satuday 16th inst., at 4 o'olock P. M.

The boats will start from the foot of Fairmount Park at the hour designated, and a Committee will be in attendance to receive you, previous to that time at the Robert Morris Hotel, on Coates Street near the steamboat landing.

I have the honor to be,

Yours very truly,

B. F. VAN DYKE,

*Secretary, S. N. B.*

Mr. Dickinson

Moved that the Invitation be accepted.

Which was agreed to.

Also,

The following Communication:

WESTERN MARKET COMPANY, }
*Philadephia, April* 13, 1859. }

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN :—By a Resolution of the Board, adopted this day, it was determined to dedicate the Market on Tuesday, the 19th inst., at 4 o'clock.

On which occasion you are respectfully invited to attend.

(Signed,)

DAVID B. PAUL, *President.*

JAMES A. GOWIE, *Secretary.*

Mr. Mascher

Moved that the invitation be accepted.

Which was agreed to.

Also,

The following Communication:

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmith's Hall.*

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—Agreeably to the first Section of an Ordinance, approved June 21, 1858, I have suspended the Fairmount Engine Company from service, for making an attack upon the members of the Good Will Engine Company, whilst going to, returning from, and at the fire, which took place on Sunday afternoon, the third day of April last, in Sixth Street below Market.

The above charge was made by the Good Will Engine Company. The Fairmount was notified to appear at this office to show excuse why they should not be suspended, but they refused to come; and from the evidence as submitted to me, it was sufficient, in my opinion, to cause the suspension of said Company.

Respectfully yours,

SAMUEL P. FEARON,

*Chief Engineer Fire Department.*

*April* 14, 1859.

Also,

A further Communication from the Chief Engineer of the Fire Department, in reply to the Resolution of inquiry of Councils, in regard to the Good Will and Fairmount Engine Companies. (*See Appendix No.* 178.)

Which was referred to the Committee on Trusts and Fire Department.

Also,

The following Communication:

CHIEF ENGINEER'S OFFICE,
*No. 7 Goldsmith's Hall,*

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—On the eleventh day of the present month, Wm. W. Taylor, Lieutenant of the 22d Ward, presented me with an affidavit reporting the Fellowship and Washington Engine Companies, of Germantown, for rioting and fighting in the public streets on the evening of the seventh of this month, and upon other times therein mentioned. I have therefore, agreeably to the power vested in me, by Section 1st of an Ordinance, approved June 21st, 1858, suspended both Companies from service, and now submit the case to your honorable bodies for final consideration.

Respectfully yours,
SAMUEL P. FEARON,
*Chief Engineer Fire Department.*

*April* 14, 1859.

The following message was received from the Mayor.

OFFICE OF THE MAYOR,
*Philadelphia, April 14th,* 1859.

*To the President and Members of the Common*
*Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed, viz:

On the 7th inst. "An Ordinance to grant the use of a room to the Law Association, and to make an appropriation for fitting up the same."

On the 11th inst. "An Ordinance to make an appropriation for the payment of a claim for building Mill Creek Bridge in the Twenty-fourth Ward."

On the 11th inst. "A Resolution to authorize Moore and Norris Streets to be paved."

On the 11th inst. "A Resolution to authorize the paving of Nineteenth and other Streets."

On the 12th inst. "A Resolution changing the place of voting in the Third Division of the First Ward."

On the 12th inst. "A Resolution changing the place of voting in the Tenth Division of the Fourth Ward."

On the 12th inst. "A Resolution changing the place of voting in the Third Division of the Twenty-first Ward."

On the 12th inst. "A Resolution to pay bill for repairing Reed Street Wharf."

On the 12th inst. "A Resolution to authorize the repaving and tramwaying Gilbert and other Streets."

On the 12th inst. "A Resolution to authorize the paving of Prime Street."

On the 12th inst. "A Resolution to open Twentieth Street from Poplar to Parrish Street."

On the 12th inst. "A Resolution authorizing the cleaning of Christian Street dock."

On the 12th inst. "A Resolution to notify the owners of property on Lehigh Avenue to grade and pave their footways."

On the 12th inst. "A Resolution authorizing notice

to be given for the curbing and paving of the sidewalks of Lithgow and other Streets."

On the 12th inst. "A Resolution approving the memorial of Joseph Harrison on the subject of City Passenger Railway."

On the 12th inst. "A Resolution to authorize the paving of Putnam Street."

On the 12th inst. "A Resolution relative to timber taken from the Boudinot lands."

On the 12th inst. "A Resolution to authorize the grading of Lentz Street in the First Ward."

On the 12th inst. "A Resolution authorizing certain streets to be graded."

On the 13th inst. "Resolutions to grade certain streets."

On the 13th inst. "An Ordinance to make an appropriation for the payment of various claims against the City."

On the 13th inst. "An Ordinance to make an appropriation to the Guardians of the Poor, to pay deficiency bills for the year 1858."

On the 13th inst. "An Ordinance to make an appropriation to the Department of Highways, &c., to pay bills contracted by the Department for the years 1856, 1857 and 1858."

On the 14th inst. "A Resolution directing Grade Regulations to be established in the First Ward."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Server

Presented a Petitition for gas pipes to be laid in Dickerson Street between Third and Fourth.

Which was referred to the Committee on Gas Works.

Mr. Mingle

Presented a Petition for curbing and paving Pennsylvania Avenue.

Which was referred to the Committee on Highways.

Mr. Heins

Presented a Petition for water pipes on 22nd Street, from Locust to Pine Streets.

Mr. Luther

Presented a Petition for water pipes on Broad Street north of Pennsylvania Avenue.

Which were referred to Committee on Water Works.

Mr. Heins

Presented a Petition from the Philadelphia Hose Company asking certain alterations in their Fire Alarm apparatus.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Case

Presented a Petition for widening the footway when the Markets shall be removed from Market Street,

Which was referred to the Committee on Highways.

Mr. H. Miller

Presented a Petititon from Sarah Slater, in relation to a lot of ground in Wood Street.

Which was referred to the Committee on Finance.

Mr. H. Miller

Presented a Petition for paving Columbia Avenue from Seventh to Eleventh Street.

Which was referred to the Committee on Highways.

Mr. Steelling

Presented a Petition for paving Pennsylvania Avenue between the Railroad and Fairmount Park, from Landing Avenue to Thompson Street.

Mr. Kerr

Presented one of similar import.

Mr. Potter

Presented one of similar import.

Mr. Kersey

Presented one of similar import.

Mr. Gillingham

Presented one of similar import,

Mr. Wagner

Presented one of similar import.

Mr. Gay

Presented one of similar import.

Mr. Fisher

Presented a Petition of similar import.

Mr. Jones

Presented a Petition of similar import.

Mr. Eckfeldt

Presented a Petition of similar import.

Mr. Potter

Presented a Petition for a system of licensing newsboys.

Which was referred to the Committee on Police.

Mr. Kersey

Presented a Petition of D. T. Moore, for payment of a claim of $12 00.

Which was referred to the Committee on Claims.

Mr. Simons

Presented a Remonstrance against the construction of a certain culvert on Thirteenth Street, north of Thompson Street.

Mr. Bullock

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils, of the City of Philadelphia, That the remonstrance of the owners of property in Thirteenth Street above Thompson Street, referred to the Committee on Surveys to examine and report thereon, and the Chief Commissioner of Highways be directed to withhold the advertisement for proposals for the construction of a culvsrt on Thirteenth north of Thompson Street, until action be had by Councils on the report of said Committee.

Mr. Dickinson

Presented a Remonstrance against laying a Railroad track on Hope Street.

Which was referred to the Committee on Highways.

Mr. Potter,

From the Committee on Finance, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to the Department for supplying the city with Water, to pay bills contracted during the years 1856, 1857, and 1858." (*See Appendix No.* 179.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read,

The First Section was agreed to.

The Second Section was agreed to.

And the Bill was ordered to be prepared for a reading.

Mr. Potter

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Bullock

From the Committee on Highways, presented a Report with five Resolutions annexed, entitled,

1. "Resolution authorizing notice to be given for the

opening of Thirty-third, Thirty-fourth, and Forty-ninth Streets, in the 24th Ward."

2. "Resolution to authorize the grading of Davis and Fawn Streets, in the 20th Ward."

3. "Resolution to authorize the curb around the Market on Girard Avenue in the Twentieth Ward, to be raised."

4. "Resolution to authorize the paving of Sixteenth and Twenty-first Streets, in the 15th Ward."

5. "Resolution to authorize the paving of Coral Street, in the 19th Ward."

Together with a Bill, entitled,

"AN ORDINANCE

relating to the Public Square and Parade Ground, in the First Ward of the City of Philadelphia." (*See Appendix No.* 180.)

Which had been referred to that Committee and reported back without amendment.

Mr. Bullock

Moved to proceed to the second reading and consideration of the first Resolution, entitled, "Resolution authorizing notice to be given for the opening of 33d, 34th and 49th Streets in the 24th Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and considera-

tion of the second Resolution, entitled, "Resolution to authorize the grading of Davis and Fawn Streets, in the 20th Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Also,

Moved to proceed to the second reading and consideration of the third Resolution, entitled, "Resolution to authorize the curb around the Market on Girard Avenue, in the 20th Ward, to be raised."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Also,

Moved to proceed to the second reading and consideration of the fourth Resolution, entitled, "Resolution to authorize the paving of 16th and 21st Streets, in the Fifteenth Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Also,

Moved to proceed to the second reading and consideration of the fifth Resolution, entitled, "Resolution to authorize the paving of Coral Street, in the Nineteenth Ward."

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Council resumed the consideration of the Bill accompanying the Report, entitled,

"AN ORDINANCE

relating to the Public Square and Parade Ground in the First Ward of the City of Philadelphia."

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer

From the Committee on Trusts and Fire Department, presented a Report, with a Resolution annexed, entitled "Resolution suspending the Northern Liberty Engine Company." (*See Appendix, No.* 181.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was again read.

Mr. Kerr

Moved to amend by striking out "two," and inserting "one," before the word "months."

Which was not agreed to.

The Resolution was adopted.

The same gentleman

Presented a further Report, with Resolutions annexed, entitled "Resolutions relative to the Resolution and United Hose Companies." (*See Appendix No.* 182.)

And moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The Resolutions were read a second time and adopted.

The Title was adopted.

Mr. Brown

From the Committee on Wharves and Landings, presented a Report, with two Resolutions annexed, entitled,

1. "Resolution authorizing the Commissioner of Markets to make a certain abatement of Rent."

2. "Resolution to authorize cleansing the dock at Almond Street, on the River Delaware." (*See Appendix, No.* 183).

And moved to proceed to the second reading and consideration of the First Resolution.

Which was agreed to.

The Resolution was again read.

Mr. H. Miller

Moved to postpone the further consideration of the Resolution for the present.

Which was agreed to.

Mr. Brown

Moved to proceed to the second reading and consideration of the Second Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

Mr. Wildly

Moved to resume the consideration of Bill No. 56, entitled,

"AN ORDINANCE

to make an appropriation to pay Benj. B. Thomas," which had been made the special order of this day at four o'clock.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

Mr. Dennis

Moved to amend the Second Section, by adding thereto the following, "*Provided further*, that before any warrant shall be drawn in favor of Benj. B. Thomas for the amount herein specified, he shall satisfy all claims for materials furnished, and labor performed in the construction of said culvert, which may be filed in the office of the Commissioner of Highways, and proved to be correct."

Which was agreed to.

The Section as amended was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a Third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Wildey

Offered the following

## Resolution:

*Resolved*, By the Select and Common Council of the City of Philadelphia, that the Committee on Gas Works be instructed to enquire of the "Trustees of the Philadelphia Gas Works," the lowest price at which they will light the public lamps; and report the same to Councils,

Which was referred to the Committee on Gas Works.

Mr. Dickinson

Offered the following

## Resolution:

Authorizing revision of grades in the Twenty-fourth Ward.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Department of Surveys be, and they are hereby authorized and directed to revise the grade regulations of the Fourth Section of the Survey of West Philadelphia, and to reduce the width of Forty-first and Forty-second Streets as laid out on the plan of said

Section, between Market and Chestnut Streets, the former from sixty feet to its original width of forty feet, and the latter from one hundred and twenty feet to the width of eighty feet, said streets being laid out on said plan but not opened.

Which was referred to the Committee on Surveys.

Mr. Gordon

Moved to proceed to the second reading and consideration of Bill No. 59, on Common Council file, entitled,

"AN ORDINANCE

to pay for the uniforms of the Reserve Police Corps."

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Gordon

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Gordon

Offered the following

## Resolution;

Changing the place of voting in the Sixth Division of the Tenth Ward.

*Whereas*, the elections in the Sixth Division of the Tenth Ward have heretofore been held at the stable in Race Street above Fifteenth, and whereas, the occupant of said

premises declines to allow them to be used in future for that purpose, therefore

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the elections of the Sixth Division of the Tenth Ward, shall hereafter be held at the house situate on the south-west corner of Fifteenth and Race Streets in said Division.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Steelling

Moved to resume the consideration of Bill No. 48, on Common Council File, entitled,

"AN ORDINANCE

to provide for the weighing of stone coal, purchased by the city."

Which was agreed to.

The Bill being on the third reading.

Mr. Pugh

Moved to go into Committee of the whole for the purpose of general amendment.

Which was not agreed to.

Mr. Pugh

Moved to go into Committee of the whole for the purpose of special amendment. To-wit: to insert after the word "delivery," the words, "on scales furnished by the city."

Which was not agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Mascher and Gordon.

And were as follows:

YEAS:—Messrs. Baird, Bowker, Brown, Bullock, Case, Cattell, Conrad, Cooper, Dennis, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gordon, Harmer, Heins, Hodgdon, House, Kelley, Kelton, Luther, McBride, Megary, Mingle, Moyer, Rothermel, Server, Smedley, Steelling, Thompson, Uber, Walsh, Wildey, Wister, Trego, *President.*

NAYS:—Messrs. Brenan, Handy, Harbert, Potter, Riley, Simons.

Yeas, 34. Nays, 6.

A quorum not having voted, the question was not decided.

Mr. Wister

Moved a call of the house.

Which being ordered.

The following gentlemen answered to their names:

Messrs. Baird, Brenan, Bowker, Brown, Bullock, Case, Cattell, Conrad, Cooper, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gamble, Gay, Gheen, Gillingham, Handy, Harbert, Heins, Hodgdon, House, Kelley, Kelton, Kerr, Luther, McBride, Megary, Miller Hiram, Mingle, Moyer, Potter, Pugh, Riley, Rothermel, Simons, Smedley, Steelling, Thompson, Uber, Wagner, Walsh, Wildey, Wister, Trego, *President.*

Mr. Wister

Moved to postpone the further consideration of the Bill for the present.

On this motion the yeas and nays were called by Messrs. Dennis and Fisher.

And were as follows:

YEAS:—Messrs. Dickinson, Ellis, Gamble, Gordon, Handy, Harbert, Heins, Miller Hiram, Moyer, Potter, Pugh, Riley, Simons, Wagner, Wildey, Wister, Trego, *President.*

NAYS:—Messrs. Baird, Brenan, Bowker, Bullock, Case, Cattell, Conrad, Cooper, Dennis, Eckfeldt, Fish, Fisher, Gay, Gheen, Gillingham, Hodgdon, House, Kelley, Kelton, Luther, McBride, Megary, Rothermel, Smedley, Steelling, Thompson, Uber, Walsh.

Yeas, 17. Nays, 28.

A message was received from Select Council informing Council that they have concurred in the Bill entitled, "An Ordinance to provide for the payment of the claims of Henry S. Tarr and others against the City."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Department for supplying the City with water, to pay bills contracted during the years 1856, 1857 and 1858."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to the Fire Department for the year 1859, and to pay claims incurred during the year 1858," notwithstanding the objections of his Honor, the Mayor.

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to pay B. B. Thomas."

Also, that they have concurred in the Resolution, entitled, "Resolution changing the place of voting in the Sixth Division of the Tenth Ward."

Also, that they have concurred in the Bill, entitled,

"An Ordinance to create a loan by the issue of certificates of debt, in payment of road damages."

Also, that they have concurred in the Bill, entitled, "An Ordinance authorizing the construction of certain culverts in the First Ward."

And Council adjourned.

## THURSDAY—April 21st, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bowker,
Bullock,
Case,
Cattell,
Comley,
Conrad,
Cooley,
Cooper,
Day,
Dennis,
Dickinson,
Eckfeldt,
Ellis,
Fish,
Fisher,
Fitler,
French,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Manderfield,
Manuel,
Mascher,
McBride,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Roats,
Rubicam,
Savage,
Server,

Messrs. Simon,
Simons,
Smedley,
Steelling,
Thompson,
Messrs. Uber,
Wagner,
Walsh,
Wildey,
Wister,
Trego, *President.*

The President

Submitted the following Communication:

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—An Act of Assembly passed at the last Session, authorizes the Receiver of Taxes to collect the registered taxes, and to employ legal counsel for that purpose. As this act takes from this Department all collection of taxes it makes nugatory the office of the additional assistant created by the Ordinance of June 19th, 1857, as well as that of the Clerk provided for by the Ordinance of November 2d 1857, in consequence of which Erastus Poulson, Esq., and Mr Edward T. Price, who now fill said positions have resigned. Their resignation to take effect the first of May next.

The whole of the sum given this Department for advertising liens will not now be needed, the advertising of registered taxes having been contemplated when it was made, I suppose three thousand dollars of that item may be transferred, if needed, elsewhere, although the items of appropriation to this Department for Sheriff's and Prothonotary costs are unusually large, I think they had better not be touched.

We are clearing the claim dockets which contain the water pipe, paving, curbing, culverting, and Board of Health claims of the late Districts, and to that end are issuing about eighty writs of levari facias each month, in addition to a large number of writs of scire facias. We have since the first of this year cleared seven dockets of the old Districts, and the Sheriff's Sale for this month will wipe out the municipal claims of the late Districts of Rich-

mond, Penn, Kensington and Spring Garden, and we shall this year dispose of all outstanding claims leaving but the current business to be taken care of. By thus pressing these claims, our collections have been very unusually large, reaching as high as $2,527 98 in a week. It will also benefit property owners by removing liens, the existance of which was unknown to many until a Sheriff's Bill was posted on their premises.

The collection of taxes has not been what I desired it, for the reason that I could not obtain descriptions in order to enable me to file liens. I frequently called your attention to the matter, but failed to obtain the requisite action. I sincerely trust that the counsel for the Receiver may be more successful in obtaining the necessary legislation to render his office effective, than I have been.

Very respectfully,

HENRY T. KING,

*City Solicitor.*

Mr. Dennis

Read in his place a Bill, entitled,

"AN ORDINANCE

to transfer certain powers and appropriations from the Law Department to the Receiver of Taxes."

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

Mr. H. Miller

Moved to postpone the further consideration of the Bill, and to refer it to the Committee on Law.

Which was agreed to.

The President

Submitted the following Communication:

CITY TREASURER'S OFFICE,
*Philadelphia, April* 21, 1859.

*To the President and Members of Common Council of the City of Philadelphia.*

GENTLEMEN:—Under the 152d Section of the Act of Assembly of July 2d, 1839, the Speaker of the House of Representatives of the State, has drawn upon me his warrants amounting to seventeen hundred and seventy-seven dollars and two cents, ($1,777 02) for costs in the case of the contested election of David R. McClean, from the Third Representative District of the City of Philadelphia, for the payment of which I beg leave to request that an appropriation may be made.

Very respectfully yours.

WM. V. MCGRATH,

*City Treasurer.*

Also,

A Claim of George Hettrick for Jury fees.

Which was referred to the Committee on Finance.

Mr. Baird

Presented a Petition for a gas lamp on Pine Street between Fourth and Fifth Streets.

Mr. Heins

Presented a Petition for the privilege of constructing wooden awnings in front of certain stores.

Which were referred to the Committee on Police.

Mr. Heins

Presented a Petition for water pipes on Twentieth Street from South to Christian Streets.

Which was referred to Committee on Water Works.

Also,

A Petition for gas pipes on Arundel Street from Fifteenth to Sixteenth Streets.

Which were referred to the Committee on Trusts.

Mr. Mascher

Presented a Petition from the Northern Liberty Steam Fire Engine Company, asking permission to run in the Second Fire District.

Mr. Kerr

Presented a Petition from the Northern Liberty Fire Engine Company No. 1, for a change in the manner of electing a Chief Engineer.

Which were referred to the Committee on Trusts.

Mr. Bullock

Presented a Petition for an extension of the time of removing the Market Wagons from Market Street.

Mr. Pugh

Presented one of similar import.

Mr. H. Miller

Presented one of similar import.

Which were referred to the Committee on Markets.

Mr. Gamble

Presented a Petition from the Pennsylvania Hose

Company, for the remo al of a certain Fire Alarm Signal Box to their house.

Which was referred to the Committee on Trusts.

Mr. Bowker

Presented a Petition for a lamp at corner of Tower and Mechanic Streets.

Which was referred to the Committee on Police.

Mr. Uber

Presented a Remonstrance against paving Seybert Street.

Which was referred to the Committee on Highways.

Mr. Jones

Presented a Petition for making the Falls of Schuylkill Bridge free.

Mr. Bowker

Presented one of similar import.

Which were referred to the Committee on Highways.

Mr. Haas

Presented a Petition to change the name of Dublin Avenue to Hartwell Avenue.

Mr. Manuel

Presented a Petition to pave Mascher, (late Clinton) Street, from Susquehanna Avenue to Cambria Street.

Which were referred to the Committee on Highways.

Also,

A Claim of W. H. Schowill, for Plumbing, in 1854, at the Garden Street School.

Which was referred to the Committee on Claims.

Mr. Gheen

Presented a Petition for the paving of Lancaster Avenue from Bridge to Haverford Street.

Mr. Riley

Presented a Petition for the grading of Hamilton Street, from 33d to 35th Streets.

Which were referred to the Committee on Highways.

Also,

A Petition for Water Pipe on Hamilton Street, from 33d to 35th Street.

Which was referred to the Committee on Water Works.

Also,

Offered the following

## Resolution;

*Resolved*, That the Committee on Surveys be instructed to inquire into the expediency of reducing the width of 30th and 43d Streets, in the Twenty-fourth Ward, from 80 feet as now recorded, to 50 feet as previously laid out, and also as to the propriety of changing the location of 43d Street, between Market and Chestnut Streets, 80 feet west of the present place.

Which was referred to the Committee on Surveys.

Mr. Hacker

From the Committee on Finance, presented a Report with a Bill annexed, entitled,

"AN ORDINANCE

to make an appropriation to pay the interest on Outstand-

ing Warrants, endorsed to bear interest." (*See Appendix No.* 184.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Cooley

Moved to amend by adding:

"*Provided*, That the City Treasurer shall give public notice to the holders of Warrants, endorsed for interest, that no interest will be paid thereon, after the first day of July, 1859."

Which was agreed to.

The First Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Mascher

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Hacker

From the Committee on Finance, presented a further Report, with a Bill annexed, entitled, "Resolution to au-

thorize the City Solicitor to enter satisfaction on the bonds of the sureties of Wm. Lamb." (*See Appendix No* 185.)

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was again read.

Mr. Dennis

Moved to recommit the Resolution to the Committee on Finance, with instructions to obtain the written opinion of the City Solicitor, on the subject.

Which was agreed to.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, April* 21, 1859.

*To the President and Members of Common Councils of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed. Viz:

On the 16th inst., "An Ordinance to make an appropriation to the Department for supplying the City with Water, to pay bills contracted during the years 1856, 1857, and 1858."

On the 16th inst., "An Ordinance authorizing the construction of certain culverts in the First Ward."

On the 16th inst., "A Resolution changing the place of voting in the Sixth Division of the Fourth Ward."

On the 20th inst., "An Ordinance to provide for the payment of the Claims of Henry S. Tarr and others, against the City."



UNIVERSITY OF PENNSYLVANIA

On the 20th inst., "A Resolution to authorize the Chief Commissioner of Highways to open Streets."

On the 20th inst., "An Ordinance to make an appropriation to pay Benjamin B. Thomas."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Also,

The following Message:

OFFICE OF THE MAYOR,
*Philadelphia, April 21st*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—After careful deliberation I am not able to approve the accompanying Bill, entitled, "An Ordinance to authorize the Commissioner of Markets to take down, and remove certain Market Houses on Market Street and to sell certain materials."

The immediate removal of the Market Houses on Market Street between Fifteenth and Seventeenth Streets, as provided in such Ordinance, is not only warranted by their present dismantled and untenanted state, but is demanded in good faith towards those citizens, who relying upon the positive legislation of Councils, have erected ample and suitable market accomodations in that neighborhood. Had this Ordinance only enacted the taking down of these Market buildings and the removal and sale of their materials, it would when presented to me, have received my ready signature; although in view of the Ordinance of December 1, 1858, I might have deemed its provisions unnecessary.

By the last mentioned Ordinance the Commissioner of

Markets was "required to cause the Market buildings on Market Street to be taken down, provided the same shall not be removed before the 15th day of April, A. D., 1859." The authority of the Commissioner having become absolute since the date by which his action was restricted, he may in the excercise of his discretion cause these buildings to be removed, and if such removal is to be effected without expense to the City no further action of Councils appears to be needed therefor.

My objection is to the last clause of the First Section by which the Commissioner is authorized to contract "for the removal of the Market Houses between Eighth and Front Streets, upon the same terms *at such times as the City Councils may hereafter direct.*" This clause, by necessary implication, is in restraint of the full powers given to the Commissioner by the Ordinance of December 1, 1858, and while seemingly but postponing the removal of these eastern Markets is virtually repealing this Ordinance so far as it relates to them.

The present Councils, after long consideration, and in accordance with the prevailing sentiment of the community, have enacted the removal of the Market buildings from Market Street, and having thus definitely settled a question which has been agitated for many years, there can be no good reason why such enactment should now be recalled, and a re-consideration of the subject thus be forced upon the succeeding municipal legislature.

The convenience of the public demands that the market buildings on Market Street, east of Eighth Street, should not be taken down until other accomodations have been provided, but no contract for their removal, involving expense to the City, can be made without the sanction of Councils, nor is it likely that such removal would be attempted in disregard of any Resolution adopted by them.

The present insufficiency of the market accomodations east of Broad Street, makes the enforcement of the Second

Section of the Ordinance of December last, prohibiting the sale of provisions from wagons or from stands on the side-walks, of peculiar hardship.

I would suggest that until such accomodations be erected, authority should be given by a supplementary Ordinance for the occupation of Market Street for stands by those persons heretofore entitled to use it for such purpose.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The question being, shall the Bill pass notwithstanding the objections of the Mayor?

The yeas and nays were ordered in conformity with law.

And were as follows:

YEAS. — Messrs. Bullock, Cattell, Conrad, Cooley, Day, Dennis, Dickinson, Eckfeldt, Ellis, Fish, Fisher, French, Gheen, Gordon, Hunter, Jones, Kelley, Krider, Manderfield, Manuel, Mascher, Megary, Miller George B., Mingle, Moyer, Riley, Server, Simon, Steelling, Thompson, Walsh, Wildey, Trego, *President.*

NAYS.—Messrs. Brenan, Case, Comley, Cooper, Doerr, Gamble, Gay, Gillingham, Haas, Hacker, Handy, Harmer, Heins, Hodgdon, Holmes, House, Hutchinson, Kelton, Kerr, Kersey, Ketcham, McBride, M'Clean, McIlvain, Miller Hiram, Potter, Roats, Rubicam, Savage, Simons, Smedley, Uber, Wagner, Wister.

Yeas 33. Nays, 34.

So the objections of the Mayor was sustained.

Mr. Steelling

Moved to suspend the rules for the purpose of enabling him to read a Bill in place.

Which was agreed to.

The same gentleman

Read in his place and presented to the Chair, a Bill, entitled,

"A SUPPLEMENT TO THE ORDINANCE

providing for the removal of the materials contained in the market houses in Market Street, and also prohibiting the occupying of the side-walk of said street by stands for the sale of Meats, Vegetables, and Farm products, and also prohibiting the standing of Market Wagons in said Street, approved December 1, A. D., 1858."

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Kelly

Moved to amend by adding.

"*Provided*, that the Market Houses on Market Street west of Broad Street may be removed forthwith by the Commissioner of Markets, upon the terms offered by the Western Market Company in a communication to Councils on April 9, 1859, and that the materials from said Markets shall be removed to South Eleventh Street, and proposals for the erection of two additional Market Houses on South Eleventh Street shall be advertised for by the Commissioner of Markets, who shall report the same to Councils."

Which was agreed to.

Mr. Bullock

Moved to further amend by adding at the end thereof, "and Ordinances inconsistent herewith are hereby repealed."

Which was not agreed to.

The First and only Section, as amended, was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

The Bill was read a third time and passed.

Mr. H. Miller

Offered the following

## Resolution:

*Resolved*, That when this Council adjourns it adjourn to meet on Monday afternoon next at 3 o'clock.

Which was read twice and adopted.

Mr. Bullock

Offered the following

## Resolution

To authorize the Commissioner of Markets to rent certain stalls.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Commissioner of Markets be, and he is hereby directed to rent the Stalls of the Market Houses, from Front to Eighth Sts., until August 1, 1859.

Which was read twice and adopted.

Mr. Kerr

Offered the following

## Resolution:

*Resolved*, That in consesequence of the number of this Council being reduced to eighty-eight, by the decease of two of its members, that hereafter the number of forty-five members shall constitute a quorum.

Which was read twice and adopted.

Mr. Gamble

Offered the following;

## Resolution:

*Resolved*, By the Select and Common Council of the City of Philadelphia, That the Chief Engineer of water be directed to place one of the new Fire Plugs, with three attaching screws, at Spring Garden and Eighth Streets.

Which was referred to the Committee on Water Works.

Mr. Savage

Offered the following

## Resolution:

*Whereas*, the Legislature of the State of Pennsylvania have, at their late session, incorporated a number of Passenger Railway Companies, with authority to make Railways within the limits of the City of Philadelphia, without requiring the consent of the City to the construction of the same, and whereas the delegation of such powers by the legislature involves consequences of the utmost importance to the City, therefore,

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Solicitor be authorized and directed to take immediate measures for the purpose of testing the constitutionality of such acts of incorporation, and the delegation of such powers, and that he be authorized to engage additional counsel for this purpose, provided that the expense of employing such additional counsel shall not exceed the sum of five hundred dollars.

Which was referred to the Committee on Law.

Mr. Ellis

Offered the following

## Resolution:

*Resolved*, That the Chief Commissioner of Highways be directed to inform Common Council what reason, if any exist for the great delay made by the contractor for building the Culvert in Eleventh Street from Thompson Street northward, in repaving said Street and restoring it to a proper condition.

Which was read twice and adopted.

A message was received from Select Council informing Council, that they had concurred in the Bill, entitled, "An Ordinance to authorize the Mayor to appoint substitutes on the Police Force," with the following amendments, in which they ask concurrence.

Amend by striking out all after the enacting clause and insert as follows:

That in consequence of many instances of temporary absence of police officers from duty, from sickness or otherwise, reducing the force charged with the supervision and protection of dwellings, warehouses, and other valuable property, the Mayor be, and he is hereby authorized to nominate and submit to Select Council for confirmation, fifty persons, from which said number of fifty persons so confirmed, substitutes shall be appointed by the Mayor in cases of temporary absence of police officers from duty, from sickness or otherwise, provided that the persons so nominated and confirmed shall only be compensated for the time or service actually performed by them, and such compensation shall be taken from the person or persons whose place is filled by such substitutes.

Mr. Cooley

Moved to concur in the amendments.

Which was agreed to.

So Common Council concurred with amendments.

A message was received from Select Council informing Council that they had received a report from the Committee on Railroads with a Bill, entitled, "An Ordinance relative to the Fairmount and Arch Street City Passenger Railway Company." which they had passed and asked concurrence.

Mr. Mascher

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Mascher

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

Mr. Bullock

From the Committee on Highways, presented a Report with a Bill and two Resolutions annexed, entitled,

1. "An Ordinance to authorize the completion of a Bridge over Mill Creek and the approaches on the line of Walnut Street in the Twenty-fourth Ward."

2. "Resolution to authorize the paving of Columbia Avenue."

3. "Resolution to grade Linden street, 19th Ward,

and to notify the owners of property to curb, pave, and grade their footways. (*See Appendix No.* 186.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Third Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

On this motion the yeas and nays were demanded by Messrs. Gordon and Kelley,

And were as follows:

YEAS:—Messrs. Baird, Bowker, Bullock, Case, Cattell, Conrad, Cooley, Cooper, Dennis, Doerr, Dickinson, Ellis, Eckfeldt, Fish, Fisher, French, Gamble, Gheen, Gillingham, Haas, Hacker, Harmer, Heins, Holmes, Hunter, Hutchinson, Jones, Kersey, Ketcham, Manderfield, Manuel, Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Riley, Rubicam, Server, Simons, Smedley, Steelling, Thompson, Uber, Wagner, Wildey, Wister, Trego, *President.*

NAYS:—Mr. Kelley.

Yeas, 49. Nays, 1.

So the motion was agreed to.

The Bill was read a third time and passed.

Mr. Bullock

Moved to proceed to the second reading and consideration of the first Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The Title was adopted.

The same gentleman

Moved to proceed to the second reading and consideration of the second Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

A message was received from Select Council, informing Council, that they had passed a Bill, entitled, "An Ordinance to remove the Market Houses, west of Broad Street."

In which they ask concurrence.

Mr. Kelley

Moved to suspend the rules and proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was again read.

Mr. Kerr

Moved to postpone the further consideration of the Bill for the present.

On this motion the yeas and nays were demanded by Messrs. Kerr and Moyer.

And were as follows:

YEAS:—Messrs. Bowker, Bullock, Case, Cooley, Ellis, Fisher, Gordon, Hunter, Kersey, Megary, Moyer, Pugh, Rubicam, Simons, Uber, Wagner.

NAYS:—Messrs. Baird, Brenan, Cattell, Day, Dennis, Doerr, Fish, French, Gillingham, Hacker, Heins, Hodgdon, Kelley, Kelton, Ketcham, Manderfield, Manuel, Mascher, McBride, McIlvain, Miller Hiram, Potter, Riley, Server, Smedley, Steelling, Thompson, Walsh, Trego, *President.*

Yeas, 16. Nays, 29.

So the motion was not agreed to.

Mr. Jones

Moved to amend by adding the following at the end of the Section:

*Provided*, "That the Farmers and Victuallers shall not be removed from Market Street, east of Twelfth, until further ordered by Councils."

Mr. Kerr

Moved to amend the amendment by adding the following:

"*Provided further*, That the Commissioner of Markets be, and he is hereby directed to rent the Stalls in the Market sheds between Front and 8th Streets, said rent to commence on the first day of April past, and to end on the thirty-first day of July next."

Which was agreed to.

Mr. Bullock

Moved to postpone the further consideration of the Bill indefinitely.

Which was agreed to.

Mr. Dennis

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Mayor of the City, the President of Select Council, and the President of the Common Council, be requested to represent the City of Philadelphia in the Sanitory Convention to be held in New York on the 27th inst., or a Committee of three persons to be appointed by the Mayor and the Presidents of the said Chambers.

Mr. Mascher

Moved to amend by adding at the end thereof, "Provided it be no expense to the City."

Which was not agreed to.

Mr. Kerr

Moved to amend by inserting after the words "three persons," the words "members of Councils."

Mr. Steelling

Moved to amend by striking out "members of Councils," and inserting "members of the Board of Health."

Which was not agreed to.

The amendment was agreed to.

The Resolution as amended was adopted.

Mr. Moyer,

From the Committee on Trusts and Fire Department, presesented a Report, with a Resolution annexed, entitled,

## Resolution:

To instruct the Chief Engineer of the Fire Department to draw certain Warrants.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Chief Engineer of the Fire Department be and he is hereby authorized and directed to draw Warrants in favor of the respective Steam Fire Engine Companies for the several amounts due them at the present time, in accordance with the provisions of the Ordinance passed February 21, 1859, and that hereafter warrants shall be drawn monthly for the amounts that may grow due.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted

Also,

A further Report from the same Committee, with a Bill, entitled,

"AN ORDINANCE

for the further extension of the Police and Fire Alarm Telegraph." (*See Appendix No.* 187.)

Which was laid on the table, and ordered to be printed and placed on file.

Mr. Gordon,

From the Committee on Poor, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to make an Appropriation to the Department of Poor, to pay for Flour furnished to the Alms House in 1858."

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

Mr. Mascher

Moved to adjourn.

Which was agreed to.

And Council adjourned.

MONDAY, April 25th, 1859.

Council met pursuant to adjournment.

Members present:

Messrs. Baird,
Brenan,
Bowker,
Bullock,
Case,
Cattell,
Conrad,
Day,
Dennis,
Dickinson,
Eckfeldt,
Enyard,
Fish,
Fitler,
French,
Gamble,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,
Harbert,
Heins,
Hodgdon,
Hutchinson,
Jones,
Kelley,
Kelton,
Kersey,
Krider,
Manuel,
Mascher,
McBride,
McClean,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,
Pugh,
Riley,
Savage,
Server,
Schoch,
Simons,
Smedley,
Steelling,
Thompson,
Wagner
Walsh,
Wildey,
Wister,

Trego, *President.*

The President

Submitted the following Communication:

CITY SOLICITOR'S OFFICE,.
*Philadelphia, April 25th*, 1859

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I desire for the future to have this understanding with you, that the only official opinions for which I am responsible, are those which I have written.

I will only remark as to the motive of this communication, that it is to prevent my being credited with, and you misled, by opinions which do not come from me, or which by verbal repetition may convey a meaning I never intended; I would however here expressly disclaim any intention to reflect unkindly upon any member of your bodies who may from mis-information have been led to state as my opinion that which was not. I do not wish to complain of the past, but simply to guard the future.

Very respectfully,

HENRY T. KING,

*City Solicitor*

Which was laid on the table.

Also,

The following Communication;

OFFICE PHILADELPHIA GAS WORKS,
*April* 25, 1859.

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I am instructed by the Trustees of the Philadelphia Gas Works, to represent to you that no ap-

propriation has been made the present year, for Lighting, Extinguishing, Cleansing, and Repairing the Public Lamps.

The bills already payable, passed by the Committee on Gas, amount to $59,295 98, and which if paid, would be to the first instant. As this is the season of the year when the purchases of Coal and Iron are made for the Works, and money is indispensable, the Trustees hope you will give this your immediate attention.

Respectfully,

Your obedient servant,

ANDREW C. CRAIG,

*President of the Trustees of the Phila. Gas Works.*

Which was laid on the table.

Also,

A Petition for the regulation of the Clock in Spring Garden Hall.

Which was referred to the Committee on City Property.

Mr. Kelley

Presented a Claim of Wm. Rice, for advertising, of $99 50.

Which was referred to the Committee on Finance.

Mr. Case

Presented a Petition from the Columbia Engine Company, asking for a Fire Alarm Telegraph Signal Box in their house.

Which was referred to the Committee on Trusts and Fire Department.

Mr. H. Miller

Presented a Petition for Gas Lamps on Mount Vernon Street, between 22d and 23d Streets.

Which was referred to the Committee on Police.

Mr. Fish

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Mayor be requested to return the Ordinance, entitled, "An Ordinance in relation to the removal of the Market Sheds between Fifteenth and Seventeenth Streets," now in his hands, and not yet approved.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

Council resumed the consideration of the Bill, entitled,

"AN ORDINANCE

to make an appropriation to the Guardians of the Poor to pay bills for flour in 1858."

The Bill was read a third time and passed.

A message was received from Select Council, informing Council that they had received a Report from the Com-

mittee on Water Works, with a Resolution, entitled, "Resolution to lay Water Pipes in Perkiomen and other Streets," which they have passed, and ask concurrence.

The Resolution was read a second time and adopted.

A message was received from Select Council, informing Council that they had received a Report from the Committee on Water Works, with a Resolution, entitled, "Resolution to authorize the removal of certain Stone on the north-west corner of the Fairmount Basin," which they have passed, and ask concurrence.

The Resolution was read a second time and adopted.

A message was received from Select Council informing Council, that they had received a report from the Committee on Water Works with a Resolution, entitled, "Resolution to transfer a certain item of appropriation," which they have passed and ask concurrence.

The Resolution was read a second time and adopted.

A message was received from Select Council informing Council, that they had received a report from the Committee on Water Works, with a Resolution, entitled, "Resolution to authorize the City Solicitor to enter satisfaction on the bond of Samuel Ogden, late Chief Engineer of the Water Department," which they have passed, and ask concurrence.

The Resolution was again read.

Mr. Gordon

Moved to postpone the further consideration of the Resolution.

Which was not agreed to.

The Resolution was adopted.

Mr. Potter

Offered the following

# Resolution:

To transfer an item of appropriation.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the City Controller be authorized to transfer the sum of two hundred dollars, from item printing the revised municipal code, to clerk hire, to be drawn by warrants signed by the Commissioner of said code.

And moved to proceed to the second reading and consideration of the same.

Which was agreed to.

The Resolution was read a second time and adopted.

A message was received from Select Council informing Council, that they had received a report from the Committee on Health, with a Bill, entitled, "An Ordinance to make an appropriation to the Board of Health for the payment of certain claims incurred during the years 1856, '57, and 1858," which they have passed, and ask concurrence.

The Bill was read a second time.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Megary

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

A message was received from Select Council informing Council that they had received a report from the Committee on the Girard Estates with a Bill, entitled, "An Ordinance to authorize certain alterations to be made in the rooms of the main building at the Girard College," which they have passed, and ask concurrence.

The first Section was read a second time, and on agreeing to its passage the yeas and nays were demanded by Messrs. Gordon and Heins.

And were as follows:

YEAS:—Messrs. Baird, Brenan, Bowker, Bullock, Cattell, Conrad, Day, Dennis, Eckfeldt, Ellis, Enyard, Fish, Fitler, French, Haas, Hacker, Handy, Harbert, Harmer, Hogdon, Hutchinson, Kelley, Kelton, Krider, Manuel, Mascher, McClean, Megary, Miller Hiram, Mingle, Potter, Riley, Savage, Server, Schoch, Simons, Smedley, Steelling, Thompson, Walsh, Wister, Trego, *President.*

NAYS:—Messrs. Gordon, Heins, Kersey, Moyer, Pugh, Wagner, Wildey.

Yeas, 42. Nays, 7.

So the First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

A Message was received from Select Council informing Council, that they had passed a Bill, entitled, "An Ordinance to prohibit the Hestonville, Mantua and Fairmount Passenger Railway Company from using the Wire Bridge for Railway purposes," in which they ask concurrence.

Mr. Bullock

Moved to read the Bill a second time.

Which was agreed to.

The First Section was again read.

Mr. Gordon

Moved to amend by inserting after the word "Bridge," "or any other Highway in the City of Philadelphia."

Which was not agreed to.

Mr. Riley

Moved to refer the Bill to the Committee on Railroads.

Which was not agreed to.

The First Section was agreed to.

The Second Section was agreed to.

The Preamble was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Mascher

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

A Message was received from Select Council informing Council, that they had passed a Resolution entitled, "Resolution relative to the Germantown Passenger Railway Company," in which they ask concurrence.

The Resolution was read a second time and adopted.

So Common concurred.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, April* 25, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—In compliance with the request of the Joint Resolution of Councils, passed this day, I return herewith the Ordinance, entitled "A Supplement to an Ordinance providing for the removal of the materials contained in the Market Houses on Market Street, and also prohibiting the occupying of the side walk of said Street by stands for the sale of Meats, Vegetables, and Farm Products, and also prohibiting the standing of Market Wagons on said Street," which was presented for my approval, April 23d, and which I presume to be the Ordinance referred to by the said Resolution.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Mr. Fish

Moved to re-consider the vote upon the Bill returned by the Mayor.

Which was agreed to.

Mr. Kelley

Moved to go into Committee of the Whole for purpose of special amendments, to-wit: by adding after the word "operation," "so far as relates to Market Street from the east side of Twelfth Street to the west side of Eighth Street" and to strike out "August," and insert "July."

Mr. Gordon

Moved to amend by substituting, "for purpose of general amendment."

Which was not agreed to.

The motion was agreed to.

The Committee resolved itself into Committee of the Whole, Mr. Gordon in the chair, and after some time the Committee rose, and the Chair reported the Bill with an amendment.

The report of the Committee was accepted, and the amendment adopted.

The Bill, as amended, was read a third time and passed.

Mr. Steelling

Moved to proceed to the third reading of the Bill, entitled,

"AN ORDINANCE

to provide for the weighing of Stone Coal purchased for the use of the City.

Which was agreed to.

The Bill was read a third time, and on its passage the yeas and nays were demanded by Messrs. Mascher and Harbert.

And were as follows:

YEAS:—Messrs. Baird, Bullock, Case, Cattell, Conrad, Day, Doerr, Eckfeldt, Ellis, Enyard, Fish, Fitler, French, Gamble, Haas, Hacker, Harmer, Hodgdon, Hutchinson, Kelley, Kelton, Krider, Manuel, McBride, Megary, Mingle, Nippes, Server, Smedley, Steelling, Thompson, Walsh, Wister, Trego, *President.*

NAYS:—Messrs. Brenan, Heins, Miller Hiram, Moyer, Potter, Riley, Savage.

Yeas, 36. Nays, 7.

No quorum having voted, the question was not decided,

A call of the house was demanded by Messrs. Steelling and Wister.

When the following gentlemen answered to their names:

Messrs. Baird, Brenan, Bullock, Case, Cattell, Conrad, Day, Doerr, Dickinson, Eckfeldt, Ellis, Enyard, Fish, Fitler, French, Gamble, Gillingham, Gordon, Haas, Hacker, Handy, Harbert, Harmer, Heins, Hodgdon, Hutchinson, Jones, Kelley, Kelton, Kersey, Krider, Manuel, Mascher, McBride, Megary, Miller Geo. B., Miller Hiram, Mingle,

Moyer, Nippes, Potter, Pugh, Riley, Savage, Server, Schoch Simons, Smedley, Steelling, Thompson, Wagner, Walsh, Wildey, Wister, Trego, *President.*

Present, 55.

Mr. Wister

Moved to postpone the further consideration of the pending Bill for the present.

Which was agreed to.

Mr. Potter

Offered the following

## Resolution:

*Resolved,* By the Select and Common Councils of the City of Philadelphia, that the regular stated meeting of Councils be held on Friday, instead of Thursday, next at 3 o'clock, P. M.,

Which was read twice and adopted.

Mr. Wister

Moved to resume the consideration of Bill No. 53, on Common Council file, entitled,

"AN ORDINANCE

to make an appropriation for furnishing gas, and lighting, extinguishing, cleansing and repairing the public lamps, and for the erection of new lamps, for the year eighteen hundred and fifty-nine.

Which was agreed to.

The Bill was read a second time.

Mr. Bullock

Moved to postpone the further consideration of the Bill for the present.

Which was agreed to.

Mr. Jones,

From the Committee on Police, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

making an appropriation for the relief of James Nichols." (*See Appendix, No.* 188.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Jones

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

A message was received from Select Council informing Council that they had passed a Bill, entitled, An Ordinance supplementary to an Ordinance, entitled, "An Ordinance to make an appropriation to the Board of Controllers of Public Schools, of the First School District of Pennsylvania, for the purpose of defraying the cost of

maintaining and managing the schools in the said district for the year 1859, approved February 16, 1859," in which they ask concurrence.

Mr. Trego

Moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was read a second time.

The First and only Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Heins

Moved to suspend the rules and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Kelley

Moved to resume the consideration of the Resolution from Select Council entitled, "Resolution relative to the fees of Coroners."

Which was agreed to.

The Resolution was again read.

On the adoption of the Resolution the yeas and nays were demanded by Messrs. Mascher and Kelley.

And were as follows:

YEAS.—Messrs. Baird, Brenan, Day, Dennis, Hacker,

Heins, Hutchinson, Kelley, Mascher, McBride, Megary, Schoch, Smedley, Thompson, Walsh, Wister.

NAYS. — Messrs. Bullock, Case, Cattell, Dickinson, Eckfeldt, Ellis, Enyard, French, Gamble, Gordon, Haas, Harbert, Hodgdon, Kelton, Kersey, Miller Hiram, Mingle, Moyer, Nippes, Potter, Pugh, Savage, Steelling, Wildey.

Yeas, 16. Nays, 24.

No quorum having voted the question was not decided.

A Message was received from Select Council, informing Council that they have concurred in the Bill entitled, "An Ordinance providing for the repair of a small Bridge and Road, in the 23d Ward."

Also, that they have concurred in the Bill, entitled, "An Ordinance to provide for the payment of Police Magistrates."

Also, that they have concurred in the Bill, entitled, "An Ordinance to authorize the Mayor of the City to attend a sale and purchase certain property."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation for the extension of Spruce Street Wharf, on the Schuylkill, and for the repairs of Wharves and Landings."

Also, that they have concurred in the Bill, entitled, "An Ordinance to pay for the Uniforms of the Reserve Police Corps."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation to pay the interest on outstanding warrants endorsed to bear interest."

Also, that they have concurred in the Bill, entitled, "An Ordinance making an appropriation for the Relief of James Nichols."

Also, that they have concurred in the Amendments

of Common Council to the Bill, entitled, "A Supplement to an Ordinance, providing for the removal of the materials contained in the Market Houses in Market street, and also prohibiting the occupying of the side-walk of said street by stands for the sale of meats, vegetables, and farm products, and also prohibiting the standing of market wagons in said street, approved December 1, A. D. 1858."

Also, that they have concurred in Amendments of Common Council to Select Council's Resolution, entitled, "Resolution authorizing a temporary change of tracks for the North Pennsylvania Railroad."

Also, that they have receded from their Amendment to Common Council's Resolution, entitled, "Resolution to authorize the paving of Norris and other Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution, dismissing the Protection Hook and Ladder Company from the Fire Department."

Also, the "Resolution discharging the Committee from the further consideration of the subject of a certain statement."

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the City Solicitor to enter satisfaction on a certain Mortgage."

Also, that they have concurred in the Resolution relative to the proposed Culvert in Thirteenth street, above Thompson.

Also, that they have concurred in the Resolution, entitled, "Resolution to authorize the cleansing of the Dock at Almond street, on the River Delaware."

Also, that they have concurred in the Resolution entitled, "Resolution suspending the Northern Liberty Engine Company."

Also, that they have concurred in the Bill, entitled, "An Ordinance to authorize the completion of a

bridge over Mill Creek, and the approaches on the line of Walnut Street, 24th Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution instructing the Chief Engineer of the Fire Department to draw certain warrants."

Also, that they have concurred in the Resolution, entitled, "Resolution relative to the Resolution and United Hose Company."

Also, that they have concurred in the Resolutions, entitled, " Resolution authorizing the grading of Shippen St. from 21st to Grays Ferry Road."

" Resolution authorizing the repairing of certain Streets with tramway,"

" Resolution to authorize the widening of the carriage way of Hedge St., in the 23rd Ward."

" Resolution to authorize the paving of Trenton Avenue and other Streets."

" Resolution authorizing notice to be given for the opening of Reed and Wharton Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution directing a revision of grades in the 1st Ward."

Also, that they have concurred in the Resolution, entitled, " Resolution directing the Chief Engineer and Surveyor, to draw certain warrants."

Also, that they have concurred in the Resolution, entitled, " Resolution to authorize the repair of certain Wharves."

Also, that they have concurred in the Resolutions, entitled " Resolution authorizing notice to be given for the opening of 33d, 34th and 49th Streets, in the 24th Ward."

"Resolution to authorize the grading of Davis and Fawn Streets, in the 20th Ward."

"Resolution to authorize the curb around the market on Girard Avenue, in the 20th Ward to be raised."

"Resolution to authorize the paving of 16th and 21st Streets, in the 15th Ward."

"Resolution to authorize the paving of Coral Street, in the 19th Ward."

Also, that they have concurred in the Resolution, entitled, "Resolution to transfer an Item of appropriation."

Also, that they have concurred in the Resolution, entitled, "Resolution to give notice of the opening of Chew Street."

Also, that they have concurred in the Resolution, requesting the Mayor to return the Ordinance, relative to the Market Houses."

Also, that they have concurred in the Resolution, entitled "Resolution to authorize the paving of Columbia Avenue."

"Resolution to grade Linden Street, in the 19th Ward, and to notify the owners of property to curb, pave and grave their footways."

Mr. Bullock

Moved to adjourn.

Which was agreed to.

And Council adjourned-

THURSDAY—May 5th, 1859.

Council met.

Members present:

Messrs. Baird,
Brenan,
Bobb,
Bowker,
Brown,
Bullock,
Carson,
Case,
Cattell,
Comley,
Conrad,
Cooley,
Cooper,
Day,
Dennis,
Doerr,
Dickinson,
Eckfeldt,
Ellis,
Enyard,
Fish,
Fisher,
Gamble,
Gay,
Gheen,
Gillingham,
Gordon,
Haas,
Hacker,
Handy,

Messrs. Harbert,
Harmer,
Heins,
Hodgdon,
Holmes,
House,
Hunter,
Hutchinson,
Jones,
Kelley,
Kelton,
Kerr,
Kersey,
Ketcham,
Krider,
Luther,
Manderfield,
Manuel,
Mascher,
McBride,
McDonough,
McClean,
McIlvain,
Megary,
Miller, Geo. B.,
Miller, Hiram,
Mingle,
Moyer,
Nippes,
Potter,

| | |
|---|---|
| Messrs. Pugh, | Messrs. Smedley, |
| Quinn, | Steelling, |
| Riley, | Thompson, |
| Savage, | Wagner, |
| Server, | Wetherill, |
| Schoch, | Wildey, |
| Simon, | Wister, |
| Simons, | Wright, |

Trego, *President.*

The President

Submitted the following Communication:

*To the Select and Common Councils*
*of the City of Philadelphia.*

GENTLEMEN:—I have received a copy of the Resolution of April 26, 1859, wherein I am directed "to take immediate proceedings to prevent the construction of any Passenger Railway by the Germantown Passenger Railway Company," until the permission of your bodies to construct said railway shall have been obtained.

Legislation subsequent to the incorporation of this Company, has made the consent of Councils no longer a pre-requisite to the construction of their railway.

The fifth Section of the Act of March 22d, 1859, entitled "An Act to authorize the Germantown Passenger Railway Company and the Green and Coates Street Philadelphia Passenger Railway Company, jointly, to lay a single track on Fourth and Eighth Streets, Philadelphia," provides:

"That if the said Germantown Passenger Railway Company shall, within thirty days after the passage of this Act, file in the office of the City Solicitor, a written obligation under their common seal, covenanting to comply with all the Ordinances of the Select and Common Councils of the City of Philadelphia, regulating Passenger Railways, the same shall be deemed and taken to be full compliance with the Ordinances of said Councils au-

thorizing the construction of said Railways, approved one thousand eight hundred and fifty-eight, and the said Company shall be therefore entitled forthwith to commence the construction of the said roads."

Said Company did, on the 31st day of March last, file in this Office the obligation required by said Act, and are, therefore, in accordance with its terms, entitled forthwith to commence the construction of the said railway.

Respectfully,

HENRY T. KING,

*City Solicitor.*

Which was laid on the table.

Mr. Kelly

Presented a Petition from the Vigilant Hose Company for a telegraph box in their house.

Which was referred to the Committee on Trusts and Fire Department.

Mr. Fish

Presented a Petition for the appointment of James Hamilton Clerk of the Broad Street Market.

Which was referred to the Committee on Markets.

Mr. Dickinson

Presented a Petition for water pipes on 13th Street, between Wharton and Reed Streets.

Which was referred to the Committee on Water Works.

Mr. Harmer

Presented a Petition for public lamps on Wayne St. 22d Ward.

Which was referred to the Committee on Police.

Mr. Gheen

Presented a Petition for paving Rockland (late Garden St.) between 37th and 38th Streets.

Which was referred to the Committee on Highways.

Mr. Hacker

From the Committee on Finance, presented the following Communication.

*May*, 4th 1859,

Wm. P. Hacker, Esq.

*Chairman of the Committee on Finance.*

Dear Sir:—Should the City accept from the sureties of the late Commissioner of Markets and Superintendent of Wharves and Landings, Mr. Wm. Lamb, $3000, as a full settlement of his indebtedness to the City and release the sureties? My view of the question is asked.

While I have been City Solicitor, it has been my care to give opinions only upon matters of law, keeping strictly within the functions of my office, and especially guarding against advising upon matters, the decision of which is solely for the discretion of the municipal legislature.

And in viewing the question now before me, I shall disregard any consideration which, while it may properly appeal to the sympathy of members of Councils, has no legitimate place in an opinion from the law officer of the City. I shall look simply to what I conceive to be the legal rights and precuniary interest of the City. Immediately upon seeing the communicationof the City Controller to Councils, in the daily papers, in which communication an ascertained deficit in the accounts of Mr. Lamb, was stated I issued execution upon his offical bond and levied on the property of his sureties.

The Bond is for the sum of $7000; I based my action upon the report of the Controller and shall rely upon him for the proof of the statements therein contained, in case of a legal investigation.

The Controller informs you that upon Mr. Lamb's own books it appears that he has collected $2,193 25 more rent for the Market Stands than he has paid into the City Treasury, and further that Mr. Lamb's books show that in the Department of Wharves and Landings he has collected for the City $3,438 00 more than he has paid into the City Treasury. Thus he states by his own accounts that he owes the City $5,631 25.

In addition to this sum Mr. Heritage, by his investigations, has ascertained that Mr. Lamb has collected from the renters of Market Stalls $2,270 16 which his books do not credit to the City. How much of this latter sum can be collected it is not necessary to consider in answering the question in hand. I know of no legal impediment in the way of collecting the $5,631 25, which Mr. Lamb's own books show to be due the City by him.

I therefore do not advise the compromise proposed, but leave it where it belongs, to the judgment of Councils, who can, with propriety, view all the attendant facts of this case, and decide as justice to the City and a regard for the circumstances and position of the sureties demand.

Very respectfully,

HENRY T. KING,

*City Solicitor.*

The same gentleman

Moved to resume the consideration of the "Resolution to authorize the City Solicitor to enter satisfaction on the bonds of William Lamb."

Which was agreed to.

The Resolution was again read and adopted.

Mr. Hutchinson,

From the Committee on Surveys, presented a Report, with a Resolution annexed, entitled, "Resolution relative to cross gutters on Washington Street, and the regulation of cross sections for highways." (*See Appendix No.* 189.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

The same gentleman

Presented a further Report from the same Committee, with a Resolution annexed, discharging the Committee from the further consideration of a remonstrance against the construction of a branch culvert on 13th Street above Thompson Street. (*See Appendix No.* 190.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Dennis,

From the Committee on Claims, presented a Report, with a Bill annexed, entitled,

"AN ORDINANCE

to pay the claims of Mifflin & Town and others against the City." (*See Appendix No.* 191.)

And moved to proceed to the second reading and consideration of the Bill.

Which was agreed to.

The Bill was again read.

Mr. Potter

Moved to amend the first Section by striking out Item 1, making an appropriation to Mifflin & Town.

Which was agreed to.

Mr. Bowker

Moved to further amend by striking out Item 2, making an appropriation to Alderman Dallas.

Which was agreed to.

The aggregate amount was amended to read $168 00.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was amended so as to read:

"AN ORDINANCE

to pay the claims of Samuel Gillingham and Joseph Hufty against the City."

The Title as amended was adopted.

And the Bill was ordered to be prepared for a third reading.

Mr. Fish

Moved to suspend the rules, and read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Potter,

From the Special Committee on the subject of dis-

banding the Fire Department and substituting a Paid Fire Department in its place, presented a Report, discharging the Committee from the further consideration of the subject. (*See Appendix No.* 192.)

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Jones

Offered the following

## Resolution:

Opening Levering Street.

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the Chief Commissioner of Highways be directed to have Levering Street from Tower Street to the Ridge Avenue, placed in travelling order, provided the expense does not exceed one thousand dollars.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Steelling

Offered the following

## Resolution:

*Resolved*, That the Committee on Water Works are hereby directed to inquire into the propriety of placing

public hydrants on the most public places along our thoroughfares for the use of pedestrians, and report to this Chamber at an early date.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

Mr. Steelling

Moved to resume the consideration of Bill No. 48, on Common Council file, entitled,

"AN ORDINANCE

to provide for the weighing of stone coal purchased for the use of the City."

Which was agreed to.

Mr. Mascher

Moved to postpone the further consideration of the Bill indefinitely.

Which was not agreed to.

The Bill being on its final passage, the yeas and nays were demanded by Messrs. Mascher and Steelling.

And were as follows:

YEAS:—Messrs. Baird, Bobb, Bowker, Bullock, Carson, Case, Cattell, Comley, Conrad, Cooley, Cooper, Day, Dennis, Eckfeldt, Ellis, Enyard, Fish, Fisher, Gamble, Gay, Gheen, Haas, Hacker, Harmer, Hodgdon, House, Hunter, Kelton, Kerr, Ketcham, Krider, Luther, Manderfield, McBride, McClean, Megary, Miller George B.,

Mingle, Nippes, Savage, Schoch, Smedley, Steelling, Thompson, Wister, Trego, *President.*

NAYS.—Messrs. Brenan, Doerr, Gillingham, Handy, Harbert, Heins, Jones, Mascher, McDonough, Miller Hiram, Potter, Pugh, Quinn, Riley, Simon, Wagner, Wildey.

Yeas, 46. Nays, 17.

So the Bill passed.

Mr. H. Miller

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, that the Chief Commissioner of Highways be directed to grade Spring Garden Street between Seventeenth and Nineteenth Streets in the Fifteenth Ward, provided the expense does not exceed one thousand dollars.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was again read.

Mr. Dennis

Moved to refer it to the Committee on Highways.

Which was agreed to.

The following Message was received from the Mayor:

MAYOR'S OFFICE,
*Philadelphia, May* 5, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—The following Ordinances and Joint Resolutions have been approved and signed. Viz:

On the 26th ult., "A Supplement to an Ordinance providing for the removal of the materials contained in the market houses on Market Street, and also prohibiting the occupying the sidewalks of said street by stands for the sale of meats, vegetables, and farm products, and also prohibiting the standing of market wagons in said street approved Dec. 1, A. D. 1858."

On the 26th ult., "An Ordinance to authorize the Mayor of the City to attend a sale and purchase certain property."

On the 26th ult., "An Ordinance to provide for the payment of Police Magistrates."

On the 25th ult., "An Ordinance making an appropriation for the relief of James Nichols."

On the 26th ult., "A Resolution to authorize the cleansing of the Dock at Almond Street Wharf."

On the 26th ult., "A Resolution to authorize the repair of certain wharves."

On the 26th ult., "A Resolution to authorize the curb around the market on Girard Avenue, in the 20th Ward, to be raised."

On the 26th ult., "An Ordinance to make an appropriation to pay the interest on outstanding warrants endorsed to bear interest."

On the 26th ult., "A Resolution to transfer an item of appropriation."

On the 26th ult., "A Resolution to authorize the City Solicitor to enter satisfaction on a certain mortgage."

On the 26th ult., "A Resolution instructing the Chief Engineer of the Fire Department to draw certain warrants."

On the 26th ult., "A Resolution dismissing the Pro-

tection Hook and Ladder Company from the Fire Department."

On the 26th ult., "A Resolution suspending the Northern Liberty Engine Company."

On the 26th., "A Resolution directing the Chief Engineer and Surveyor to draw certain warrants."

On the 26th ult., "A Resolution directing a revision of grades in the 1st Ward."

On the 26th ult., "A Resolution to give notice of the opening of Chew Street."

On the 26th ult., "A Resolution authorizing notice to be given for the opening of 33d, 34th, and 49th Streets, in the 24th Ward."

On the 26th ult., "A Resolution authorizing notice to be given for the opening of Reed and Wharton Streets."

On the 26th ult., "A Resolution to authorize the grading of Davis and Fawn Streets, in the 20th Ward."

On the 26th ult., "A Resolution authorizing the grading of Shippen Street from 21st Street to Gray's Ferry Road."

On the 26th ult., "A Resolution to grade Linden Street, 9th Ward, and to notify the owners of property to curb, pave, and grade their footways."

On the 26th ult., "A Resolution to authorize the paving of Norris and other Streets."

On the 26th ult., "A Resolution to authorize the paving of Columbia Avenue."

On the 26th ult., "A Resolution to authorize the paving of Coral Street, in the 19th Ward."

On the 26th ult., "A Resolution to authorize the paving of Trenton Avenue and other Streets."

On the 26th ult., "A Resolution to authorize the paving of 16th and 21st Streets, in the 15th Ward."

On the 26th ult., "A Resolution authorizing the repaving of certain Streets with tramway."

On the 26th ult., "A Resolution to authorize the widening of the carriage-way in Hedge Street, in the 23d Ward."

On the 28th ult., "An Ordinance to authorize the completion of bridge over Mill Creek, and the approaches on the line of Walnut Street, 24th Ward."

On the 29th ult., "An Ordinance providing for the repair of a small bridge and road, in the 23d Ward."

On the 29th ult., "An Ordinance to authorize the Mayor to appoint substitutes on the Police Force."

On the 29th ult., "An Ordinance to pay for the uniforms of the Reserve Police Corps."

On the 4th inst., "An Ordinance to make an appropriation for the extension of Spruce Street Wharf on the Schuylkill, and for the repairs of Wharves and Landings."

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

Also,

The following Message:

MAYOR'S OFFICE,
*Philadelphia, May* 4, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I have returned the Joint Resolutions,

entitled, "Reeolutions relative to the Resolution and United Hose Companies," without my signature.

The former Company not having accepted the provisions of the Ordinance of January 30th, 1855, re-organizing the Fire Department, have remained out of service, and have been without location or apparatus, its nominal members retaining the charter and claiming to belong to the Fire Association, and to be entitled to the benefits thereof.

The United Hose Company is connected with the Fire Department and in active service, but posesses no incorporation.

The effect of these Resolutions would be a consolidation of these Hose Companies which so far as I am aware is without precedent, and cannot be advantageous to the interests of the Fire Association or Department.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The yeas and nays were ordered in conformity with law.

And were as follows:

YEAS.—Messrs. Brenan, Bobb, Conrad, Cooper, Eckfeldt, Fish, Fisher, Gamble, Gheen, Gillingham, Gordon, Harmer, Hunter, Kelley, Kerr, Ketcham, Luther, McDonough, Megary, Moyer, Pugh, Schoch, Smedley, Thompson, Wildey, Trego, *President.*

NAYS.—Messrs. Bullock, Case, Cattell, Comley, Cooley, Day, Dennis, Doerr, Ellis, Enyard, Gay, Haas, Hacker, Handy, Harbert, Heins, Hodgdon, House, Kelton, Kersey, Manderfield, Mascher, McClean, Nippes, Potter, Quinn, Riley, Savage, Simon, Simons, Wetherill, Wister.

Yeas, 26. Nays, 33.

So the objections of the Mayor were sustained.

Also,

The following message:

OFFICE OF THE MAYOR,
*Philadelphia, May 4th*, 1859.

*To the President and Members of the Common Council of the City of Philadelphia.*

GENTLEMEN:—I have returned, without my approval, the Bill, entitled, "An Ordinance to make an appropriation to the Rosine Association."

However meritorious this Association may be, and whatever it may have accomplished for one of the highest and noblest objects of philanthropy, it can prefer no claim upon the public treasury which may not, with equal propriety, be made by numerous other charitable societies.

Where the City is not represented in the management, or does not, through its Judges or Magistrates, exercise some oversight, it is not expedient that public monies, raised by common taxation, should be devoted to the purposes of voluntary associations.

Respectfully,

ALEXANDER HENRY,

*Mayor of Philadelphia.*

The yeas and nays were ordered in conformity with law.

And were as follows:

YEAS:—Messrs. Baird, Bobb, Bullock, Case, Cattell, Conrad, Cooley, Cooper, Day, Dickinson, Ellis, Gamble, Gay, Gillingham, Gordon, Haas, Hacker, Harbert, Harmer, Kelley, Kelton, Kerr, Ketcham, Krider, McClean, Mingle, Nippes, Potter, Pugh, Riley, Savage, Schoch, Simon, Smedley, Thompson, Wister.

NAYS:—Messrs. Brenan, Carson, Comley, Dennis, Doerr, Eckfeldt, Enyard, Fish, Fisher, Gheen, Handy, Heins, Hodgdon, House, Hunter, Kersey, Luther, Manderfield, Mascher, McDonough, Megary, Miller Hiram, Moyer, Simons, Wetherill, Wildey, Trego, *President.*

Yeas, 36. Nays, 27.

So the objections of the Mayor were sustained.

A message was received from Select Council, informing Council, that they had passed a Resolution, entitled, "Resolution directing the Commissioner of City Property to offer for sale a certain lot," in which they ask concurrence.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Resolutions.

Which was agreed to.

The First Resolution was read a second time, and adopted.

The Second Resolution was again read.

Mr. Bullock

Moved to amend by adding at the end thereof the words, "in case the same shall be sold."

Which was agreed to.

The Resolution as amended was adopted.

Mr. Hodgdon

Moved to further amend by adding the following as a third Resolution.

*Resolved*, That the purchaser of said lot shall be authorized to erect a Market House, between Twentieth and Twenty-first Streets, receiving sufficient materials contained

in one square, from the old market houses, upon their removal, without charge, provided that the said purchaser shall remove said materials without cost to the City.

Which was not agreed to.

The Title was agreed to.

So Common Council concurred with an amendment.

Mr. Bullock

Moved to proceed to the second reading and consideration of Bill from Select Council, entitled,

"AN ORDINANCE

to change the boundary lines of the Seventh Division of the Twentieth Ward, and to create an additional Division in said Ward, and to establish a place of voting in said additional Division."

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

So Common Council concurred.

Mr. Wister

Moved to proceed to the second reading and consideration of Bill No. 53, entitled,

"AN ORDINANCE

to make an appropriation for furnishing gas and lighting, extinguishing, cleansing, and repairing the public lamps, and for the erection of new lamps, for the year 1859."

Which was agreed to.

The Bill was again read.

The First Section was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Wister

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Moyer

Moved to proceed to the second reading and consideration of Bill No. 64, on Common Council file, entitled,

"AN ORDINANCE

for the further extension of the Police and Fire Alarm Telegraph."

Which was agreed to.

The Second Section was read a second time.

Mr. Kelley

Moved to amend by adding after the word dollars in the seventh line.

To place a box at the Vigilant Hose House, Eight Street near Wharton, the sum of three hundred dollars.

Mr. McDonough

Moved to amend the amendment, by adding thereto.

To place a box in the Hope Engine Company's House, two hundred and fifty dollars.

Mr. Wetherill

Moved to recommit the Bill to the Committee on Trusts and Fire Department.

On this motion the yeas and nays were demanded by Messrs. Brennan and Mascher.

And were as follows.

YEAS:—Messrs. Baird, Bobb, Case, Comley, Cooley, Cooper, Doerr, Dickinson, Ellis, Enyard, Fisher, Gay, Gheen, Haas, Handy, Harbert, Hodgdon, House, Kelton, Kersey, Ketcham, Luther, McBride, McClean, Miller Hiram, Potter, Quinn, Riley, Savage, Simons, Wagner, Wetherill, Wister.

NAYS:—Messrs. Brenan, Bowker, Bullock, Carson, Conrad, Day, Dennis, Gamble, Gillingham, Gordon, Heins, Hunter, Hutchinson, Jones, Kelley, Kerr, Krider, Manderfield, Mascher, McDonough, Megary, Miller Geo. B., Mingle, Moyer, Nippes, Pugh, Server, Schoch, Simon, Smedley, Thompson, Wildey, Trego, *President.*

Yeas, 33. Nays, 33.

So the motion was not agreed to.

Mr. Potter

Moved to postpone the further consideration of the Bill indefinitely.

On this motion the yeas and Nays were demanded by Messrs. Kelley and McDonough.

And were as follows:

NAYS: — Messrs. Case, Cooley, Cooper, Dickinson, Ellis, Enyard, Fisher, Gay, Gheen, Haas, Handy, Harbert, Hodgdon, Holmes, Kelton, Kersey, Ketcham, Luther, McBride, Miller Hiram, Potter, Quinn, Riley, Savage, Simons, Wagner, Wetherill, Wister.

NAYS: — Messrs. Baird, Brenan, Bowker, Carson, Comly, Fish, Gamble, Gillingham, Gordon, Heins, House, Hunter, Hutchinson, Jones, Kelley, Kerr, Krider, Manderfield, Manuel, Mascher, McClean, McDonough, Megary, Miller Geo. B., Mingle, Moyer, Nippes, Pu gh, Server, Schoch, Simon, Thompson, Wildey, Trego, *President.*

Yeas, 28. Nays, 34.

So the motion was not agreed to.

The amendment to the amendment was agreed to.

The amendment was agreed to.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Bullock

Moved to read the Bill a third time by its Title.

Which was agreed to.

The Bill was read a third time and passed.

Mr. Wagner

Offered the following

## Resolution

To pave the intersection of Cadwalader and Master Sts.

*Resolved*, By the Select and Common Council of the City of Philadelphia, that the Chief Commissioner of Highways, be and he is hereby authorized and directed to pave the intersection of Cadwalader and Master Streets, occasioned by the widening of said Cadwalader Street to the weadth of Washington Street as laid down and confirmed by the plan of the late District of Kensington.

Which was read twice and adopted.

A message was received from Select Council, informing Council, that they had passed a Resolution, entitled, "Resolution relative to the West Philadelphia Passenger Railway Company," in which they ask concurrence.

Mr. Cattell

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was again read.

Mr. Bullock

Moved to amend by striking out the words "their rails" and inserting "a third rail."

Which was agreed to.

The Resolution, as amended, was adopted.

The Title was adopted.

So Common Council concurred with an amendment.

A message was received from Select Council informing Council, that they had received a report from the Committee on Water Works with a Resolution, entitled, "Resolution to lay water pipes in Spring Garden and Twenty-first Streets," which they have passed, and ask concurrence.

Mr. H. Miller

Moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

A message was received from Select Council, informing Council, that they had received a report from the Committee on City Property, with a Resolution discharging the Committee on City Property from the further consideration of the application for the use of Spring Garden Hall for school purposes, which they have passed, and ask concurrence.

Mr. Bullock

Moved to proceed to the second reading and consideration of the Resolution,

Which was agreed to.

The Resolution was read a second time and adopted.

So Common Council concurred.

A message was received from Select Council informing Council, that they had passed a Bill, entitled, "An Ordinance to pay certain extra services," in which they ask concurrence.

Mr. Kerr

Moved to amend by adding.

5, William F. Small, Chief Clerk of Common Council, two hundred and fifty dollars.

6, J. Barclay Harding, Assistant Clerk of Common Council, two hundred and fifty dollars.

7, Thomas H. Hall, Messenger of Common Council, two hundred dollars.

8, James Zimmerman, Messenger of Common Council, two hundred dollars.

Also,

Amend Item 1, by striking out "one" and inserting "two" before "dollars,"

Mr. Wildey

Moved to amend by adding.

To pay A. W. Green, Miscellaneous Clerk in the Highway Department, for extra services, two hundred dollars.

Which was not agreed to.

Mr. Mascher

Moved to amend by striking out Item 3, an appropriation to George H. Moore.

Which was not agreed to.

Mr. Brenan

Moved to amend by adding the following.

Isaiah Butler and J. Magner, Messengers of last Councils, one hundred dollars each.

Which was not agreed to.

Mr. Bowker

Moved to amend by adding the following.

To James Lyle for extra services as Janitor of the Court Rooms, fifty dollars.

Which was not agreed to.

Mr. Baird

Moved to amend by adding:

John D. Miles, extra service, $250 00; Thos. Duffield, $200 00, Clerks of last Councils.

Which was not agreed to.

The Section as amended was agreed to.

The Second Section was agreed to.

The Title was agreed to.

And the Bill was ordered to be prepared for a third reading.

Mr. Day

Moved to suspend the rules and read the Bill a third time by its Title.

On this motion the yeas and nays were demanded by Messrs. Heins and Wister.

And were as follows:

YEAS.—Messrs. Brenan, Bobb, Bullock, Case, Cattell, Cooper, Day, Dennis, Doerr, Fisher, Fitler, Gamble, Gheen, Gordon, Handy, Harbert, Holmes, Hutchinson, Kelley, Kelton, Kerr, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, McClean, McDonough, Megary,

Miller Geo. B., Mingle, Moyer, Pugh, Riley, Simons, Smedley, Steelling, Thompson, Wright, Trego, *President.*

NAYS.—Messrs. Bowker, Comley, Cooley, Eckfeldt-Fish, Gay, Gillingham, Haas, Heins, Jones, Mascher, McBride, Miller Hiram, Nippes, Potter, Wagner, Weth, erill, Wildey, Wister.

Yeas, 41. Nays, 19.

So the motion was agreed to.

On the final passage of the Bill, the yeas and nays were demanded by Messrs. Wister and Bowker.

And were as follows:

YEAS.—Messrs. Brenan, Bobb, Bullock, Case, Cattell, Cooper, Day, Dennis, Dickinson, Fish, Fisher, Fitler, Gamble, Gheen, Gordon, Handy, Harbert, Holmes, Hunter, Hutchinson, Kelley, Kelton, Kerr, Kersey, Ketcham, Krider, Luther, Manderfield, Manuel, McClean, McDonough, Megary, Miller Geo. B., Mingle, Moyer, Pugh, Riley, Simons, Smedley, Steelling, Thompson, Wright, Trego, *President.*

NAYS.—Messrs. Bowker, Comley, Cooley, Eckfeldt, Gay, Gillingham, Haas, Heins, Jones, Mascher, McBride, Miller Hiram, Nippes, Potter, Wagner, Wetherill, Wildey, Wister.

Yeas, 43. Nays, 18.

So Common Council concurred.

A message was received from Select Council informing Council that they had concurred in the Bill, entitled, "An Ordinance to pay the claims of Samuel Gillingham and Joseph Hufty against the City," with the following amendments, in which they ask concurrence.

Amend at the end of the first Section as follows, to wit:

"3. To pay John H. Parker, for three months salary as Clerk to the City Commissioners in 1856 and 1857, one hundred and ninety-eight dollars and ninety-eight cents, in full of his claim against the City."

Amend further by striking out "one hundred and sixty-eight dollars," and inserting "three hundred and sixty-six dollars and ninety-eight cents."

Amend Section 2, by adding after "Item 2," the words, "and three."

Amend the title by striking out the word "and" before "Joseph Hufty," and inserting after "Joseph Hufty" the words "and John H. Parker."

Mr. Jones

Moved to concur in the amendments.

Which was agreed to.

So Common Council concurred.

Mr. Brenan

Offered the following

## Resolution:

*Resolved*, By the Select and Common Councils of the City of Philadelphia, That the City Solicitor be requested to forward to the Governor of the Commonwealth a certified copy of the opinion of the court in the case of Duncan M. Mitcheson *vs.* Harlan and others, Common Pleas, in Equity, of Philadelphia County, to March Term, 1859, No. 28, and request him to direct the Attorney-General to issue a writ of *scire facias*, or an information in the nature of a writ of *quo warranto*, against the Philadelphia City Passenger Railway Company, in order to test the validity of the charter of said Company pursuant to said opinion of the court.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and adopted.

A message was received from Select Council informing Council that they had concurred in the Bill, entitled, "An Ordinance to provide a lot of ground for the erection of a Grammar School, in the 15th Ward," with the following amendments, in which they ask concurrence.

Amend by striking out the second section.

Mr. Gordon

Moved to concur in the amendment.

Which was agreed to.

Mr. Bullock

Moved to resume the consideration of the Resolution from Select Council, granting permission to the Frankford and Southwark Railway Company to connect with the depot of the Trenton Railway Company.

Which was agreed to.

The Resolution was again read and adopted.

Mr. Mascher

Offered the following

## Resolution:

*Resolved*, That we, the members of Common Council, with great pleasure hereby record our high appreciation of the able, impartial, and courteous manner in which Chas. B. Trego, Esq., has discharged his duties as the presiding officer of this body for the past year, whereby he has commended himself to our warm personal regard,

and to this expression of our kind wishes for his future prosperity.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and unanimously adopted.

Mr. Kerr

Offered the following

## Resolution:

*Resolved*, That the thanks of this Council be tendered to General William F. Small, Chief Clerk, and J. Barclay Harding, Esq., Assistant Clerk, for the able and efficient manner in which they have discharged the duties of their respective stations.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and unanimously adopted.

Mr. McDonough

Offered the following

## Resolution:

*Resolved*, That the thanks of this Council are tendered to Mr. Thomas H. Hall and James Zimmerman, Messengers, for their fidelity and uniform attention to their duties.

And moved to proceed to the second reading and consideration of the Resolution.

Which was agreed to.

The Resolution was read a second time and unanimously adopted.

A message was received from Select Council informing Council, that they have concurred in the Resolution, entittled, "Resolution relative to cross gutters on Washington Street and the regulation of cross sections of Highways."

Also, that they have concurred in the Resolution, en titled, "Resolution to authorize the City Soliciter to enter satisfaction on the bond of Wm. Lamb."

Also, that they have concurred in the Bill, entitled, "An Ordinance to make an appropriation for furnishing gas, and lighting, extinguishing and repairing the public lamps, and for the erection of new lamps for the year 1859."

Also, that they have concurred in the amendments of Common Council to the Resolution, entitled, "Resolution directing the Commissioner of City Property to offer for sale a certain lot."

Also, that they have concurred in the amendments of Common Council to Select Council, Bill, entitled, "An Ordinanne to pay certain extra services."

Also that they have concurred in the Resolution, discharging the Committee on Surveys and Regulations from the further consideration of a remonstrance against the construction of a branch culvert on 13th Street above Thompson St."

Also, that they have concurred in the amendment of Common Council to the Resolution, entitled, "Resolution

relative to the West Philadelphia Passenger Railway Company."

Also, that they have concurred in the Resolution, entitled, "Resolution to pave the intersection of Cadwalader and Master Streets."

Also, that they have concurred in the Resolution, entitled, "Resolution to open Levering Street."

Also, that they have concurred in the Bill, entitled, "An Ordinance to provide for the weighing of stone coal purchased for the use of the City."

Also, that they have concurred in the Bill, entitled, "An Ordinance directing the revision of grades on Arch Street between Twentieth and Twenty-first Streets."

Also, that they have received a report from the Committee on Law, with a Bill, entitled, "An Ordinance relating to the Receiver of Taxes." which they have passed and ask concurrence.

Mr. Heins

Moved to adjourn.

Which was agreed to.

And Council adjourned.

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